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Cicero's Role Models

The Political Strategy of a Newcomer

Henriette van der Blom



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The Political Strategy of a Newcomer

HENRIETTE VAN DER BLOM

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For opa and Philip

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Preface

This study examines Marcus Tullius Cicero's rhetorical and political strategy in late Roman republican politics with regard to his self-advertisement as follower of chosen models of behaviour from the past—his role models or personal exempla. As an ambitious newcomer, a *homo novus*, in a political culture which favoured men descended from famous consuls and generals, Cicero had to devise alternative strategies to reach political office and influence. It will be argued that Cicero, through his main means to political power, his oratory, adopted the traditional claim to political offices through ancestry and adapted it to his own situation. Instead of references to the virtues and achievements of his own ancestors, Cicero presented himself as emulating specific historical figures with the purpose of building up and strengthening his public persona and thereby supporting his claim to political offices and influence.

The study begins with discussions of *mos*, *maiores* and historical exempla in Roman culture and society and in Cicero's works. These discussions show the central role of the *maiores*, their customs and traditions and their individual achievements in Roman political culture in general as well as Cicero's perception thereof. This leads to a presentation of Cicero's background and education which highlights the aspects which were crucial for his formation as an orator, author, and politician, such as his early encounters with exemplary Roman orators and politicians, and the political implications of famous ancestry or the lack of such ancestry. The subsequent analysis of Cicero's choice and use of historical exempla in his speeches, letters, and treatises emphasizes the versatility and flexibility of such exempla and the central role of rhetorical strategy in the choice and application of historical exempla. These insights lay the foundation for the main analysis and discussion of Cicero's selection and employment of his role models (personal exempla) in all his extant works, which show the range of Cicero's personal exempla and the manifold ways in which Cicero employed these both to prove an immediate rhetorical and political point and to help him build up a credible and influential public persona over time. This analysis again leads on to Cicero's self-projection as an exemplum to be followed by others and the various roles he adopted in this attempt. The study concludes with a discussion of Cicero's choice of personal exempla and its implications for his rhetorical and political strategy.

This book started life as a doctoral thesis written at Brasenose College, Oxford, and under the aegis of the Faculty of Classics, University of Oxford. I should like to acknowledge the generous financial support of my doctoral work provided by Knud Højgaards Fond, Elisabeth Munksgaard Fonden, Dronning Margrethes og Prins Henriks Fond, Konsul Axel Nielsens Mindelegat, Overretssagfører Sigurd Jacobsens Mindelegat, the Anglo-Danish Society, the Arts and Humanities Research Council, the Thomas Wiedemann Memorial Fund, the Craven Committee at the University of Oxford, and Brasenose College, Oxford.

From the first day, the Faculty of Classics and Brasenose College made me feel welcome in their wonderful social and scholarly environments which provided continual inspiration for my work on Cicero and thoughts on ancient history in general. The Ancient History Work-in-Progress Seminar was a perfect test ground for many of my ideas, as my fellow graduates responded with interest and consideration to what were often ideas still developing. I wish to thank in particular Fergus Millar, Alan Bowman, Peter Derow (†), and all my good friends for their continuous help and encouragement over the years in both academic and other matters. A two-month stay at the British School at Rome in the spring of 2005 gave me a fresh injection of material culture and its importance for Roman politics, and the chance to study the ancestral imagery on Roman republican coinage in depth. Less than a week after the viva, I started as a Lecturer in Ancient History at Merton College, Oxford. This position allowed me to continue developing my thoughts on Cicero for the book in the company of bright students and supportive colleagues. Throughout the whole process, the outstanding collections and helpful staff in the Sackler, Taylorian, and Bodleian Libraries proved invaluable.

My work has benefited greatly from the opportunity to present parts of my work to audiences in Oxford, London, Copenhagen, Rome, Cambridge, Exeter, Newcastle, Glasgow, St Andrews, San Diego, Birmingham, and Edinburgh. I am grateful to the organizers for inviting me, the audiences for their comments, and the good friends I have made along the way. My former supervisors in Copenhagen, Jens Erik Skydsgaard, Peter Ørsted, and Vincent Gabrielsen, always made me feel at home again when I delivered papers on Cicero at the Copenhagen Ancient History Seminar or knocked on their doors at the Institute of History. I have also particularly fond memories of the three Cicero Away Days organized in St Andrews (2004), Glasgow (2006), and Edinburgh (2008), as the forum where I first met many of the Ciceronians whose work I admire and whom I came to regard as good colleagues.

I am especially indebted to Gesine Manuwald, Kathryn Lomas, and Kathryn Tempest whose valuable comments on specific parts of the study and the project as a whole have both improved the end result and my understanding

of Cicero and the Roman world in which he lived. I am ever grateful to Miriam Griffin for suggesting the topic of this study and for leading me into Ciceronian studies with her expert views, honest feedback, and never-failing moral support. My examiners, Jill Harries and Jonathan Prag, challenged aspects of my project in the most constructive and responsive way imaginable, making what could have seemed a tiresome task of rewriting a thesis into a book an immensely enjoyable and stimulating process. Tobias Reinhardt expertly oversaw the whole process from thesis to book as my Oxford Classical Monographs adviser, and that in a most congenial yet efficient manner. Susan Treggiari's comments on the entire typescript not only refined various aspects of my argument but also furthered my knowledge of Roman social interaction. Dorothy McCarthy and Hilary O'Shea at Oxford University Press, as well as my meticulous copy editor, Rosalind Wall, helped the book through its final stages in a friendly and professional manner. I am extremely grateful to them all for the help with and trust in this project.

As in good oratory, I save my most important points for the final paragraph. My doctoral supervisor, Katherine Clarke, has been a constant source of inspiration, knowledge, and encouragement in all matters relating to the thesis, its reincarnation as a book and beyond; the best supervisor and mentor I could ever have hoped for. But without the support of my family, I would never have had the courage and stamina to begin or finish this project. I dedicate this work to opa, my family exemplum in classical studies, and to Philip.

Henriette van der Blom

List of abbreviations

References to ancient authors and texts follow the conventions of the *Oxford Classical Dictionary* (third edition), followed by Arabic numerals.

Quotations are taken from the most recent edition in the Oxford Classical Texts series unless otherwise stated. Translations are my own except in the cases where an excellent modern translation is already available, which is indicated at the citation. For Cicero's letters, the text and translation of D.R. Shackleton Bailey has been used, of which the most recent editions are:

Shackleton Bailey, D.R. (1999), *Cicero. Letters to Atticus I–IV*, Cambridge (Mass.).

Shackleton Bailey, D.R. (2001), *Cicero. Letters to Friends I–III*, Cambridge (Mass.).

Shackleton Bailey, D.R. (2002), *Cicero. Letters to Quintus and Brutus*, Cambridge (Mass.).

References to modern literature follow the Harvard style (Author (Date)); the full bibliographic data are to be found in the bibliography. Abbreviations of periodicals follow the conventions of *L'Année Philologique*. In addition, the following abbreviations have been adopted:

- | | |
|---------------------|--|
| ANRW | <i>Aufstieg und Niedergang der römischen Welt. Geschichte und Kultur Roms im Spiegel der neueren Forschung</i> (1972–), Berlin. |
| CAH IX ² | J.A. Crook, A.W. Lintott, and E. Rawson (eds) (1994), <i>The Cambridge Ancient History</i> , vol. IX, 2nd edn, Cambridge. |
| CIL | <i>Corpus Inscriptionum Latinarum</i> , Berlin. |
| ILLRP | A. Degraffi (1957–63), <i>Inscriptiones Latinae Liberae Rei Publicae</i> , Florence. |
| ILS | H. Dessau (1892): <i>Inscriptiones Latinae Selectae</i> , Berlin. |
| MRR | T.R.S. Broughton (1951–2, 1986), <i>The Magistrates of the Roman Republic</i> , vols I–III, New York and Atlanta. |
| OCD ³ | S. Hornblower and A. Spawforth (eds) (1996), <i>The Oxford Classical Dictionary</i> , 3rd edn, Oxford. |
| ORF ⁴ | H. Malcovati (1976), <i>Oratorum Romanorum Fragmenta Liberae Rei Publicae</i> , 4th edn, Turin. |
| RE | A. Pauly, G. Wissowa, and W. Kroll (eds) (1893–), <i>Real-Encyclopädie der klassischen Altertumswissenschaft</i> , Stuttgart. |
| RLAC | <i>Reallexikon für Antike und Christentum</i> (1941–), Stuttgart. |
| RRC | M.H. Crawford (1974), <i>Roman Republican Coinage I–II</i> , Cambridge. |
| SEG | A. Chianotis, T. Corsten, R.S. Stroud, and R.A. Tybout (eds) (2001), <i>Supplementum Epigraphicum Graecum</i> , Amsterdam. |

Introduction

Mihi enim unum sat erat, ita nobis maioris nostros tradidisse.

For my part a single argument would have sufficed, namely that it has been handed down to us by our ancestors.¹

The proclamation of the interlocutor C. Aurelius Cotta in Cicero's dialogue *De natura deorum* is striking in its singular trust in ancestral authority. Cotta's trust lies in the precepts of traditional Roman religion as opposed to the teachings of the Stoics, represented by Q. Lucilius Balbus, and their discussion forms part of Cicero's exposition of the religious teachings of the major philosophical schools of Epicurus, the Stoics, and the Academic Sceptics.² Being part of a philosophical dialogue on the nature of the gods, Cotta's almost dogmatic confidence in ancestral tradition seems provocative and simplistic. Yet, it reflects and plays upon a strong and widespread Roman respect for the ancestors and their customs, which could not easily be neglected or rejected, either by the interlocutor Balbus or by the author Cicero. This respect for the ancestors meant that the argument from ancestral tradition was common and powerful, whether in discussions of religious, philosophical, political, or legal matters.³

The appeal to the ancestors and their heritage was central in Roman republican culture and society. Their actions and decisions, *mos maiorum*, were used as a guide in both private and public spheres.⁴ In political life too, ancestry mattered. References to the ancestors, the *maiores*, and, in particular, to famous personal forefathers carried great weight with the audience in both

¹ Cic. *Nat. D.* 3.9.

² The best introduction to and commentary on the *De natura deorum* is still Pease (1955).

³ Cornell (1986) 58; May (1988) 6; Timpe (1996) 279; Hölkeskamp (2004a) 184–5; Bücher (2006) 324.

⁴ The relationship between memory, *mos maiorum*, and historical exempla is taken up in Chapter 1.

political meetings and in the often politically laden court cases.⁵ In election campaigns, lineage from a family within the nobility, the possession of *nobilitas*, was one of the main arguments that a candidate could employ because the qualities of a candidate were judged on the basis of the qualities of his forebears and not so much on his possible political programme.⁶ Therefore, it was common practice for *nobilis* politicians to refer to historical exempla, that is, the virtues and achievements of the ancestors, also in political life.⁷

A man without famous ancestors, a *homo novus* (literally a ‘new man’), was disadvantaged in his attempt to reach the top in this political game of status.⁸ The most famous *novi* who nevertheless succeeded in becoming consuls were Cato Maior, the successful general C. Marius, and Marcus Tullius Cicero. As a *homo novus*, Cicero could not make reference to great achievements by his ancestors, so he had to find alternative ways to enter the political game. One way was to adopt models. This left Cicero with a choice that the politicians of the nobility did not have to the same extent; they could be criticized for not living up to their personal forefathers, but they could not change them. At the same time, this choice represented a challenge. Cicero makes clear in the *De officiis* that one should be very careful in the choice of role models and make sure not to imitate their faults.⁹ With this in mind, Cicero’s choice and employment of role models ought to have been the result of careful consideration.

This study aims to analyse and discuss the challenges which Cicero faced as a *homo novus* in Roman politics by analysing his main response, namely his self-advertisement as follower of chosen models of behaviour—personal

⁵ Cicero is our greatest source, but there is also evidence of other orators referring to named historical exempla, the *maiores* or *mos maiorum* (from *ORF*⁴): Val. Max. 4.1.3 (C. Marcius Rutilus Censorinus referring to the *maiores*); Festus 220.9; Cic. *Brut.* 90 (M. Porcius Cato Maior: *maiores* and *patres*); Cic. *Nat. D.* 3.43; Cic. *De or.* 2.286 (C. Laelius: *mos maiorum* and *maiores*); Gell. *NA.* 4.20.1; Macrobi. *Sat.* 3.14.6 (P. Cornelius Scipio Aemilianus: *mos maiorum* and *maiores*); Iul. Victor 11 (C. Fannius: named historical exempla); Festus 136.16; Gell. *NA.* 10.3.5; Schol. Bob. Cic. *Sull.* 26 (C. Gracchus: historical exempla and a family exemplum); Cic. *Tul.* 49 (L. Quinctius: *maiores*); Cic. *Balb.* 2 (Cn. Pompeius Magnus: *maiores*); Cic. *Cat.* 4.7 (C. Julius Caesar: past men of force); Cic. *Phil.* 3.21 (M. Antonius, triumvir: named historical exemplum); Cic. *Planc.* 61, 69 (L. Cassius Longinus: named historical exempla). Further evidence in Cicero’s speeches of his opponents referring to historical exempla: Cic. *Rab. perd.* 13; *Sest.* 130; *Mil.* 17; and in Cic. *Fam.* 4.3.1 Cicero refers to Servius Sulpicius Rufus warning the Senate against civil war by referring to past civil wars. Cf. also Caes. *B Gall.* 7.77 in which the Gaul Critognatus is made to deliver a speech containing a historical exemplum.

⁶ *Comment. pet.* 53. See the analysis and discussion in Chapter 4.

⁷ Cic. *Sest.* 21; *Font.* 41; *Lig.* 12; *Fin.* 2.74. Treggiari (2003) 139–40. *Nobilis* means ‘well-known’.

⁸ Wiseman (1971) 105–7. No exact number of *homines novi* in Roman politics exist, but Hopkins (1983) 32, 58 suggests that fewer than 35% of all consuls in the period 249–50 bc were new men.

⁹ Cic. *Off.* 1.115–21. For discussion of this passage see ‘The choice of historical exempla’ in Chapter 6.

exempla—in Roman political life. By personal exemplum, I mean Cicero's references in his extant works to an individual in the past whom he presents as a model of behaviour for himself. Through references to such personal exempla Cicero could create and develop an image of himself as a politician to be reckoned with, despite his lack of famous ancestors. Cicero's way of dealing with *novitas*, his 'newness', through personal exempla is the main theme of the present study.

The study centres on the following questions: what did it mean to be a *homo novus* in Roman politics and what was Cicero's attitude to *novitas*? What rhetorical strategies did Cicero employ to make up for his lack of famous ancestors and to promote his public political persona and his claim to political power? Among these strategies, in what ways did Cicero's references to historical exempla in general and personal exempla in particular function? Who were Cicero's personal exempla and what were the reasons behind Cicero's choice and employment of these? In which ways could Cicero exploit his references to personal exempla in order to project a variety of roles for himself? How successful was Cicero in building up a credible public persona through references to personal exempla?

While Cicero was indisputedly a *homo novus*, there is no precise definition of this term. Modern scholarship has discussed at length the terminology and implications of *nobilis* and *homo novus*, but the clearest conclusion seems to be that these terms are political and that Cicero's use is very flexible depending on his message in each individual context. The modern discussion of *nobilis* and *homo novus* is taken up in Part I in order to provide a background to the analysis of Cicero's employment of these terms and thereby his handling of his personal political disadvantage of *novitas*. Before this analysis, the first part introduces Cicero by placing him in his historical context of family background, education, and early career. His mentors and family relations will receive particular attention as many of these turn up later in Cicero's works as personal exempla and therefore help to explain Cicero's response to the challenges in political life. His *novitas* was an aspect in his background with crucial importance for his political aspirations and the discussion therefore moves on to the issues of *novitas* and *nobilitas*.

One of Cicero's strategies to overcome his lack of ancestral backing in his pursuit of political influence was to present himself as a credible interpreter of the Roman past through his use of historical exempla. By historical exemplum, I mean a specific reference to an individual, a group of individuals or an event in the past which is intended to serve as a moral-didactic guide to conduct. Cicero was not alone in his employment of examples for illustration and persuasion. The argument from exempla, also non-historical exempla, has been used widely in many literary genres and cultures of all ages. Modern

scholars seem not to agree fully on a definition of exemplum, which is due partly to the disagreement already in the ancient sources, and partly to the development of the use of exempla. The term exemplum has been employed and discussed in ancient rhetoric, philosophy, and literature,¹⁰ medieval exempla collections and moral literature,¹¹ Renaissance reinterpretations of the ancient sources,¹² and in modern theoretical discussions often based on linguistic and etymological analyses and sociological analyses of society and culture.¹³ In the modern literature on the nature and function of exemplum in ancient rhetoric, philosophy, and literature, the relation between Aristotle's *παράδειγμα* ('model'/'example') and the Latin exemplum is often the starting point for discussions of such different aspects as the place of exemplum in the philosophical system, in the rhetorical system, and in literature.¹⁴ These works are more concerned with the theoretical aspects of exemplum and to a lesser degree with its function in practical terms.¹⁵

Studies on particular Roman writers and specific Roman exempla have helped further the discussion of the nature and function of the exemplum. Works on such different authors as Livy, Propertius, Seneca, Martial, and Valerius Maximus tackle the question of exemplarity from the viewpoint of literary composition and impact, whereas analyses of specific exempla in

¹⁰ For overviews, see Stierle (1973) on the relationship between history as *magistra vitae* and exempla; Fuhrmann (1973) goes against Stierle; Daxelmüller (1985) on the development from ancient to medieval view of exemplum.

¹¹ See, for example, Von Moos (1984) on the use of exemplum by John of Salisbury; Scanlon (1994) on exempla in Chaucer.

¹² Lyons (1989) on exemplum in French Renaissance literature; Hampton (1990) on the rhetoric of exemplarity in Renaissance literature; Engler & Müller (1995) on exemplarity in Renaissance and modern literature.

¹³ Berger & Luckmann (1966) on sociology of knowledge and identity; Stierle (1973) on the relationship between history and exempla; Culler (1981) on semiotics; Daxelmüller's (1991) overview of modern scholarship on exemplum; Goldhill (1994) applying modern critical theory to the study of exempla in ancient literature; Gelley's (1995) collection of papers on rhetoric of exemplarity from Plato to modern literature; Arthos' (2003) theoretical discussion of exempla from Cicero to modern literature.

¹⁴ Alewell (1913) on *paradeigma* mostly in first-century AD Roman literature; Kornhardt (1936) on the meaning of exemplum in ancient literature; Lumpe (1966) on the meaning of exemplum in antiquity; McCall (1969) on ancient rhetorical theories of simile, but less on exempla; Price (1975) comparing Greek *παράδειγμα* with Latin exemplum; Gaillard (1978) on the authority of exempla in Latin literature from the first century BC; Fiore (1986) on theoretical aspects of exemplarity in especially early Christian literature; Dondin-Payre (1990) on the symbolic value of exempla in Roman society; Demoen (1997) on exemplum in ancient Greek literature; Schittko (2003) on the theories of analogies including exempla in Greek and Latin literature.

¹⁵ For a more political interpretation of the use of historical examples in the Attic orators see Perlman (1961), and for the relation between use of historical examples and oral history in Athens see Thomas (1989) 198–202.

Roman history and historiography focus on the ways in which the use of certain exempla reflects the aims of the author whilst forming part of a tradition.¹⁶ Augustine's use of Roman exempla to illustrate the weaknesses of the pagan society in turn also proves the argumentative force of references to exempla and the long-lasting impact of the memory of Roman men and women such as Regulus, Lucretia, Cato, and Cicero.¹⁷

Cicero's use of historical exempla has attracted some attention among modern scholars, but mostly resulted in studies limited to particular works or particular exempla. German dissertations from the beginning of the twentieth century collected Cicero's many historical and non-historical exempla but did not analyse the reasons behind choice, formulation, and implications for understanding Cicero's political strategy.¹⁸ More recent studies have to a much larger extent focused on Cicero's choice and employment of historical exempla, but they have either been restricted to parts of Cicero's works, such as Oppermann's study on Cicero's letters, David's work on Cicero's forensic speeches, and Bücher's analysis of Cicero's speeches,¹⁹ or been focused on just one or a few of Cicero's historical exempla.²⁰

Cicero's life and works have been studied intensely over the centuries. In spite of the enormous number of studies focusing on Cicero, no systematic attempt has yet been made to understand his strategy in political life by

¹⁶ Klotz (1909) on the epitomes of Livy; Helm (1939) on Valerius Maximus and Seneca; Haight (1940) on anecdotes in Cicero and Livy; Klotz (1942) on Valerius Maximus; Nordh (1954) on Martial; Maslakov (1984) on Valerius Maximus; Gazich (1990) on Quintilian; Mayer (1991) on Seneca; Bloomer (1992) on Valerius Maximus; Ginsburg (1993) on Tacitus' *Annals*; Gazich (1995) on Propertius; Skidmore (1996) on Valerius Maximus; Hershbell (1997) on Plutarch; Chaplin (2000) on Livy; Roller (2004) on the exempla of Horatius Cocles and Cloelia.

¹⁷ August. *C.D.* 1.15, 1.19, 1.23–4, 2.21 as well as many other references to Roman exempla, especially in books 1–3. Brown (1967) 308–11; Swift (1987); Dyson (1998) xxv–xxvi analyse the ways in which Augustine employs Roman historical exempla in *De civitate dei* without discussing the function of historical exempla as such, while Calabi (1955) discusses the sources for Augustine's historical knowledge. For Augustine and Cicero see Testard (1958).

¹⁸ Sauer (1910); Schönberger (1910); Schönberger (1914). For an even earlier collection of Cicero's mentions of historical figures, Greek and Roman, see Freund (1881).

¹⁹ David (1980); Oppermann (2000); Bücher (2006). Bücher (2006) 322–3 touches only briefly on Cicero's 'self-presentation' ('Selbstdarstellung') and whether Cicero can be seen as representative. There exist also several unpublished dissertations on aspects of Cicero's use of historical exempla: Robinson (1986) looks at specific exempla such as the Gracchi and Catiline in Cicero's speeches; Stinger (1993) analyses historical exempla in Cicero's collected speeches, tracing themes such as *maiores*, *homo novus*, moral decline, and wish for immortality. I have been unable to see Blincoe (1941) on Cicero's philosophical works.

²⁰ Gnauk (1936) on Cato Maior and Marius; Roloff (1937) on *maiores* and especially Cato Maior; Carney (1960a) on Marius; Berthold (1965) on Themistocles; Mix (1965) on Regulus; Breguet (1966) on *De republica*; Gaillard (1975) on the Gracchi; Rawson (1971) on Crassus and Marius; Robinson (1994) on the Gracchi; Werner (1995) on Marius.

analysing his choice and use of role models, personal exempla.²¹ This study, by contrast, will include all of Cicero's extant works and will focus on all the possible role models of Cicero emerging from these. This focus on Cicero's self-advertisement as follower of certain role models is aimed at shedding further light on his rhetorical and political strategy. From the late 1980s onwards, Ciceronian scholarship has seen an increased interest in Cicero's rhetorical strategy in political life and resulted in a number of extremely valuable contributions, many with direct influence on this study.²² Three works, in particular, have analysed Cicero's rhetorical strategies as part of his overall political strategy of creating a public character with political impact, thereby compensating for his *novitas*. May analysed Cicero's conscious construction and preservation of a public persona through the rhetorical argument from *ethos* (character-building) in his speeches, Dugan looked at Cicero's persona-building in his rhetorical works, and Kurczyk analysed Cicero's autobiographical references as the main element in his self-representation.²³ However, none of these have focused specifically on Cicero's use of historical exempla or indeed his role models. The approach adopted in this study is intended to furnish us with new ways of understanding Cicero's political strategy as a *homo novus*.

Cicero's use and view of historical exempla is analysed and discussed in Part II. Cicero's works abound with historical exempla of all kinds and in all kinds of contexts. A general survey of Cicero's use of historical exempla could easily form a study in itself in terms of both length and depth, but this is not the object of this study. Instead the aim of this part is to explore Cicero's

²¹ A few works have examined Cicero's use of one or two specific historical exempla with particular relevance for Cicero's own career: Gnauk (1936) on Cato Maior and Marius; Roloff (1937) on Cato Maior especially; Carney (1960a) on Marius; Berthold (1965) on Themistocles; Rawson (1971) on Crassus and Marius; Werner (1995) on Marius.

²² See especially Wisse (1989) on ethos and pathos in Cicero's rhetoric; Craig (1993) on the stylistic element of dilemma; Vasaly (1993) on the interplay between Ciceronian oratory and the physical space in which it was delivered; Narducci (1997b) on Cicero's rhetoric; Burnand (2000) on the role of the Roman orator and Cicero's varying *personae* as an advocate; Steel (2001) on Cicero's rhetoric of empire; May's (2002) collection of articles by leading Ciceronian scholars on Cicero's oratory and rhetoric; Fantham (2004) on Cicero's *De oratore*; Powell & Paterson's (2004) collection of papers on Cicero's forensic activity; Steel (2005) on Cicero's rhetoric in general; Harries (2006) on Cicero and the legal profession; Lintott (2008) on Cicero's works as historical sources. There are many other important contributions, especially a large number of articles on select topics of Cicero's life and works. Those with relevance for this study have been listed in the bibliography.

²³ May (1988); Dugan (2005); Kurczyk (2006). Vasaly (2002) also emphasizes Cicero's attempts in building up a public persona already in his pre-consular speeches. Fox (2007) goes against this focus on Cicero's self-advertisement and instead explains Cicero's rhetorical and philosophical treatises as ironic, in order to highlight the shortcomings of rhetoric in the political life of (especially) the 40s bc.

employment of historical exempla in general as background to the subsequent analysis of his references to his personal models of behaviour in political life. The first chapter of Part II starts off with Cicero's definition of 'exemplum', leading on to definitions of 'historical exemplum' and 'personal exemplum' which are used throughout this study. The second chapter consists of an analysis and discussion of the ways in which Cicero employs historical exempla in general throughout his speeches, letters, and theoretical treatises. The analysis explores how historical exempla are created and the various factors involved in the choice of appropriate and appealing exempla, whether audience, genre, short-term and long-term purposes, and historical context. It also looks at the problems Cicero faced in ensuring credibility of both exemplum and himself as a user of exempla. This analysis provides the necessary background knowledge to facilitate an understanding of Cicero's references to his personal exempla as a strategy for political advancement.

This strategy for political advancement is taken up in Part III. In the first chapter, it is argued that Cicero employed three different alternative claims to ancestry which were potentially applicable to other Roman politicians including *homines novi*. Cicero claimed that particularly excellent Romans of the past could be viewed as exempla for all Romans irrespective of family background; that *homines novi* of the past could function as exempla for new men seeking a political career in the present; and that it was possible to select specific historical figures as one's personal exempla. The second chapter examines Cicero's choice and employment of personal exempla and places them in the rhetorical and political contexts in which they appear in Cicero's text and career. The aim of this examination is an understanding of Cicero's motivations and purposes for adopting these personal exempla in the immediate context and an overview of Cicero's long-term and shifting preferences over time. This examination will show the ways in which Cicero built up a public persona through references to personal exempla. The high number of such personal exempla employed by Cicero to lend authority to a great variety of messages about his own conduct shows the crucial importance of such references to personal exempla in Cicero's attempt to accrue credibility as orator and politician.

The fourth and final part takes up the next step in Cicero's self-advertisement, namely that as an exemplum to be followed by others. It was a tactic Cicero used increasingly over the years as a way of moving on from and building upon personal exempla. Cicero was always very conscious of what future generations would think of him, and this focus on reputation prompted his attention to his own possible role as an exemplum.²⁴ The analysis focuses on the various roles in

²⁴ Cic. Att. 2.5.1, 2.17.2.

which Cicero projected himself as exemplary in political, literary, and private life in order to appreciate Cicero's attempts to construct a successful political persona for himself and, ultimately, a memory beyond his own life. The term 'exemplary' is in this study employed as a technical term meaning 'presented as or serving as an exemplum' and not simply 'excellent' or 'outstanding' as in ordinary English. Similarly, the term 'exemplarity' denotes 'the quality of being exemplary'.

The conclusion draws together the various strands from the four parts. Cicero, the *homo novus*, managed to make himself a political career based on his oratory. The rhetorical technique of references to historical exempla played on the Roman reverence for past heroes and their achievements. Cicero employed such references both to persuade his immediate audience and to portray himself as a trustworthy guide to the past—and therefore as an authoritative orator and politician. The move from the use of historical exempla to personal exempla is an expression of the same need to accrue authority and credibility as a politician, only on a much larger scale and with more depth and nuance. This need was spurred by Cicero's *novitas* and thus lack of inherited political authority, but it was exploited and refined extensively due to his extraordinary oratorical talent and the constantly changing circumstances of his political career. Although it is impossible to determine the extent to which his strategy was precedented or unique due to the paucity of non-Ciceronian oratory in the republican era, Cicero's strategy from personal exempla was not a break with the culture of looking to the ancestors for directions towards appropriate behaviour or with the culture of lending authority from claims to ancestral precedent. Cicero built part of his claim to political power on references to exemplary figures from the past, both mentors and individuals more distant in time or background. As he became more experienced and senior, he slowly changed his persona from one standing on the shoulders of exemplary men of the past to becoming an exemplum in his own right. It is this journey from aspiring *novus* to exemplary consular and intellectual we shall follow.

This study draws its material from Cicero's speeches, letters, and rhetorical and philosophical treatises as relevant.²⁵ These works are important for the study of Cicero's self-advertisement as follower of models for several reasons. Given their public nature, the speeches of Cicero are crucial for the image projected of Cicero's persona as both follower of historical exempla and as a

²⁵ For the non-extant speeches of Cicero see Crawford (1984); for the fragmentary speeches of Cicero see Crawford (1994). A summary of her conclusions can be found in Crawford (2002).

historical exemplum himself.²⁶ The question of delivered versus circulated version of Cicero's speeches is clearly relevant in this regard. There has been a great deal of debate in modern scholarship but I follow broadly the stance of Powell and Paterson.²⁷ My study takes the premise that Cicero circulated his speeches with the aim in mind to persuade his audience of his case and viewpoint and to make a name for himself in Roman politics, and not mainly as school examples of perfect speeches as argued by Stroh; otherwise the timing and content of these speeches do not make sense in the political context in which they were circulated.²⁸ Furthermore, a revision cannot have changed but only adjusted the messages put forward because (part of) the reading audience would most likely have heard the delivered version and thus been able to spot large discrepancies. With this premise, it is possible to study Cicero's circulated speeches as a reflection of his intended public image, and thus as building blocks in his attempt to build up a public persona in Roman politics.

Cicero's letters are a less obvious choice. However, their semi-public character and Cicero's careful composition indicate that we are also here dealing with an intended projection of his public persona. Indeed, Cicero considered circulating a collection of his letters more widely, but only after careful revision.²⁹ With reference to Cicero's letters to others than Atticus, Steel argues that 'many of the other letters presuppose a wider audience than the recipient alone, or are in themselves manifestations of Cicero's public persona due to the identity of the person to whom he is writing'.³⁰ Another version, or several versions, of Cicero's public persona can also be found in his rhetorical and philosophical treatises. These works were public too, in the sense that they were circulated among Cicero's friends and the intellectual elite at Rome. They constituted one of Cicero's means of expression when he was outside the political game in Rome, as he was for long periods of the 50s and 40s BC.

²⁶ See Cic. *Brut.* 91–2 where Cicero argues that one of the reasons for writing down delivered speeches is to create a memorial of one's skill for posterity. Indeed, May (1988) 1 emphasizes that 'every verbal undertaking aimed at producing conviction involves, implicitly or explicitly, the presentation of character, an advancement of a persona capable of influencing an audience to no small degree'. See Hölkeskamp (2004a) 229 for a similar view.

²⁷ Powell & Paterson (2004) 52–7.

²⁸ Stroh (1975) 21, 52–4.

²⁹ Cic. *Att.* 16.5.5. This project was not realized until after Cicero's death. Atticus' biographer, Cornelius Nepos, knew of eleven rolls of letters to Atticus (*Nep. Att.* 16.2–4), but we know that there were at least sixteen, alongside the letters to Quintus, Brutus, and political connections.

³⁰ Steel (2005) 16; see also 27. With reference to Cicero's letters and speeches, Hutchinson (1998) 43 has rightly pointed out that 'The boundaries of Ciceronian genre here seem extremely thin.' See May (1988) 42 where the directness in certain passages of the undelivered second *actio* of the *Verrine* speeches makes May parallel them with Cicero's letters to Atticus.

As such, these works form an important sample with which to compare and contrast Cicero's self-advertisement in his other works.³¹ Lastly, Cicero wrote poems, dramatic plays, and several prose works on his own experiences, but most of these have not survived and references to these will only be made when relevant.³²

We cannot know for certain whether these role models or personal exempla were Cicero's inner personal exempla, but that is not the main question. This study concerns the historical exempla which Cicero represented as being role models for his own conduct as part of his rhetorical strategy to further his own objectives in Roman politics. This is not an attempt to get behind the rhetorical polish and find the real Cicero. Instead it is an attempt to understand, at least in part, Cicero's political strategy as a *homo novus* in order to elucidate the ways in which at least one new man, and a successful one too, managed to climb the *cursus honorum* (the ladder of political offices) and, to a certain extent, to stay in political power.³³

The lack of substantial evidence on the oratory of other *homines novi*, or indeed other politicians in general, makes it difficult to ascertain how representative Cicero was in his rhetorical and political strategy. Therefore, this study will focus on Cicero and only make references to the oratorical and political strategies of other politicians when extant and relevant.³⁴ Cicero was unique in many ways. His great oratorical skills, his fantastic electoral success in spite of lack of military background, solid financial backing, or the patronage of a powerful family and his—perhaps unparalleled—way of tackling the disadvantage of *novitas* might lead one to question whether Cicero's case can highlight anything general about the ways in which Roman politics worked.³⁵ However, such a questioning forgets that Cicero

³¹ Gelzer (1969b) 118; Kurczyk (2006) 351. Steel (2005) 19: 'But poetry and treatises gave Cicero the opportunity to write and disseminate a public persona even when he was not participating directly in public debates.' Steel (2005) 83–114 examines all genres as means of projecting Cicero's public persona.

³² For Cicero's poetry see Rawson (1982) on *De consiliis suis*; Harrison (1990) on *De temporibus suis*; Steel (2005) 28–33, 55–61. Kurczyk (2006) 63–120 analyses both *Consulatus Suus* and *De temporibus suis* as attempts on Cicero's part to promote his own version of the events and thereby his public image.

³³ Cf. Kurczyk (2006) 351.

³⁴ The obvious case of Cato Maior will be taken up in the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

³⁵ Given the lack of military background, financial backing or patronage in Cicero's climb up the political ladder, this study will not look at these aspects, even if they were of importance for the success of other *homines novi*. Dugan (2005) 13 argues that 'Cicero's strategy of self-fashioning is a conventional one, following a familiar script of social and political advancement. Yet Cicero's programme is innovative both in the premise on which he bases his self-fashioning and in the particular form that this programme took.'

was not only unique, but a very successful politician. This must mean that his argumentation and oratory struck a chord with his audience, whether senatorial or popular, and this, in turn, implies that Cicero's rhetoric must have reflected to a certain degree the ways in which oratory could work in Roman politics. Therefore, it makes sense to study Cicero's oratory in the context of and as a reflection of Roman politics.

Mos, maiores, and historical exempla in Roman culture and society

The Roman republic with its institutions was not founded by a written constitution but had developed over centuries. The sources consulted for proper legitimate practices—whether political, social, religious, or economic—were laws and decrees of various kinds, legal precedents, and tradition, *mos*. *Mos* was an unwritten yet central part of Roman society because, for example, many rules of the political and legal systems were based on tradition rather than laws and statutes. Similarly, *mos* guided social norms. In this way, *mos* had a normative function in the Roman republic. The ancestors were regarded as the creators of *mos*, and the collective actions and customs of the ancestors was termed *mos maiorum*. The fundamental importance of *mos maiorum* for the right interpretation of constitutional practices of the Roman state meant that the ancestors were revered as providers of such practices and that their actions and decisions were regarded as one of the leading principles in all aspects of life. The nature of *mos maiorum* meant that it was a very flexible source of practices and that the actions and customs of the ancestors could always be reinterpreted. In this way, the Romans looked to the past not only for solutions but also for qualifications for present situations which suited their own particular agenda.¹

¹ Instances of orators referring to *mos* or the *maiores*: Val. Max. 4.1.3 (C. Marcius Rutilus Censorinus speaking); Festus 220.9; Prisc. in *G.L.*2, 226.16; Gell. *NA.* 4.3.37, 14.2.21 (M. Porcius Cato Maior); Gell. *NA.* 4.20.1; Macrob. *Sat.* 3.14.6 (P. Cornelius Scipio Africanus Aemilianus); Cic. *De or.* 2.200 (C. Antonius, the orator); Cic. *Tul.* 49 (L. Quinctius); Cic. *Balb.* 2 (Pompey). For modern discussions of *mos maiorum* see Rech (1936) 8; Bleicken (1975) 354–96; Burckhardt (1988) 14; Timpe (1996) 279; Lintott (1999b) 1–8; Stemmler (2000) 167; Bettini (2000); Hölkeskamp (2004a) 184–5; Flaig (2004) 83–8; Wallace-Hadrill (2008b) 213–58. Blösel (2000) 76: two meanings of *maiores*, while Wallace-Hadrill (2008b) 218 argues for three broad uses of *maiores*. Walter (2004) 51 argues that historical exempla had a normative effect in practice. For the relationship between *mos* and *ius* (law) see Lintott (1999b) 1–8; Harries (2006) 68–70.

The reasons for the respect for the ancestors and their actions were, to a certain extent, political. Modern scholars have argued that the political and social upper class of the Roman republic, the nobility, attempted to retain their power by referring to the leading position of their ancestors. That is, the tradition justified the continued power of this group. The composition of the nobility changed over time, but the argument from ancestral actions and customs seems to have stayed the same.² The nobility had to take the opinion and responses of the people into consideration when conducting their politics. The discussion of the nature of popular politics in Rome has, if not come to a consensus, at least emphasized and reminded us of the importance of the people as electorate and of oratory as a means of persuading the electorate.³ References to the ancestors must have worked with the electorate, given the many such references found in the extant speeches.⁴ This, in turn, raises the question of the ownership of these ancestors. The nobility talked of the ancestors within their own families, but also of the *maiores* of the past as a whole. In this way the *maiores* could be understood as personal ancestors of a particular family, but also as the ancestors of the whole Roman people at large.⁵ This double meaning of ancestors can be found in both the literary and the material sources and it provides a further dimension to the rhetorical

² Blösel (2000) 37, 46–7, 51, 67; Walter (2003) 256–8; Pina Polo (2004) 168–70; Walter (2004) 84–6; Flaig (2004) 76. Blösel (2000) 48 finds the origins of *mos maiorum* in the struggle between patricians and plebeians. Pina Polo (2004) 164–5 argues for three phases of political use of *maiores* by the nobility, of which the struggle between patricians and plebeians constitute the first. For the *maiores* as a concept for the nobility, see Hölkeskamp (2004a) 187. Beck (2003) traces this discourse of the nobility in the early Roman historiography. Cicero did not justify the position of the *nobiles* with reference to the *maiores* but he did employ the *maiores* in his attempt to justify the power of the Senate and the consuls: Cic. *Sest.* 137. For a discussion of aristocratic values see Rosenstein (2006).

³ The central issues are discussed, with varying and even contrasting conclusions, in Millar (1998) (collecting thoughts expressed in earlier articles) stressing the political power of the *populus*; North (1990) contra Millar emphasizes the limits on popular power; Jakobson (1999) supports Millar in his stress on popular power in the elections; Mouritsen (2001) contra Millar emphasizes the difference between formal and real political power of the *populus*; Morstein-Marx (2004) supports Millar in his stress on popular power, but prefers not to call it 'democratic' but rather 'contional'. For an overview of the debate see Jehne (2006) 14–23. The latest contribution to the debate is Wiseman (2009).

⁴ Cicero's speeches abound in such references, as will be discussed throughout this study. On the difference between exempla employed in Senate speeches from those in *contio* speeches, see the sections 'The flexibility of exempla: the example of the Gracchi' and 'The importance of genre?' in Chapter 6. For evidence of other orators referring to historical exempla see page 2 note 2 and page 12 note 1.

⁵ Blösel (2000) 26, 31, 53 argues that the ancestors of anybody outside the nobility did not count as *maiores*. Flaig (2004) 83–8 is critical of this idea and instead argues that the *plebs* knew and shared the norms of the nobility, including their representation of *mos maiorum*. See Bücher (2006) 114–15 for a similar but less explicitly argued view. Wallace-Hadrill (2008b) 218 operates with three broad uses of ancestors.

device of referring to the ancestors. Would the *populus* identify with these *maiores* of the nobility or would they think of their own personal ancestors? This question is difficult to answer because we lack sources from the lower strata of Roman society. Given the power and appeal of the concept of *mos maiorum*, the people, too, must have identified, at least partly, with the *maiores* as ancestors for themselves.⁶

Besides the political background of this concept, cultural implications can be found as well. Early Roman historians such as Fabius Pictor and Cato Maior referred to the virtues of the ancestors in order to explain and justify Roman supremacy in the Mediterranean world. They argued that the gods had willed the imperial power to the Romans because of the high moral standards of the *maiores*. In this way, Roman supremacy was legitimized and, at the same time, a Roman identity as an imperial power was created. This identity included not only a self-understanding, but also a responsibility for all Romans to live up to the ancestors, thereby keeping the gods on their side and the empire safe.⁷ This sense of responsibility was one of the driving forces behind the normative power of *mos maiorum*. A sense of responsibility was certainly felt within the nobility, perhaps mostly as a responsibility to live up to ancestors within the family.⁸

Implicit in this responsibility lay an expectation of imitation of ancestral actions. Since the ancestors had been favoured by the gods, an imitation of the ancestors and their actions would secure the continuation of this favour. This expectation led to a moralizing character of the accounts of the ancestral actions and customs. It was made clear to the audience what was good and what was bad behaviour to enable them to use these accounts as yardsticks for their own behaviour. This moralizing element meant that history became a series of good and bad *res gestae*, that is, actions of the ancestors, rather than impersonal events. History had a practical purpose of providing lessons for the present, and historians therefore focused on individuals rather than on abstract concepts or qualities and connections.⁹ These concrete actions of the ancestors, these *res*

⁶ Flaig (2004) 76–7 argues that the references to the *maiores* and specific historical *exempla* supported the consensus-driven Roman politics: consensus between single *nobiles* and the Senate and consensus between the Senate and the people.

⁷ For the shaping of a Roman imperial identity through *maiores* and the role of early Roman historians in this formation, see Lind (1972); Bleicken (1981) 247–9; Stemmler (2000) 166, 192; Pina Polo (2004) 165–6; Hölkeskamp (2004a) 177.

⁸ Cic. *Planc.* 51 (M. Juventius Laterensis); Cic. *Brut.* 281–2 (P. Licinius Crassus, son of M. Crassus); Cic. *Brut.* 331 (M. Junius Brutus); Cic. *Rab. Post.* 2 (Scipios, P. Decius); Cic. *Flac.* 25 (Flaccus). Lind (1979) 52; Hofmann-Löbl (1996) 1; Blösel (2000) 40, 46; Hölkeskamp (2004a) 187.

⁹ See Cic. *Arch.* 14; Polyb. 1.1, 3.31 for the past providing moral lessons for the present. Cape (1997) 212–16; Hölkeskamp (2004a) 177, 180. For an excellent, yet theoretical, study of historical *exempla* in Roman society see Stemmler (2000). Beck (2003) 87–92 places more emphasis on the collective element than the individual actions in early Roman historiography.

gestae, were turned into moralizing historical exempla, illustrating not only the quality of a particular action but also its position within *mos maiorum* in that each exemplum could be placed on a scale from good to bad.¹⁰ Furthermore, with this moralizing element, the genre of history became a further means by which the concept of *mos maiorum* and the political power of the nobility could be projected to the Roman people at large. As such, historical exempla provide the crucial link between the ancestors, the concept *mos maiorum*, the genre of history, and the political use (and abuse) of these. Cicero argued that besides historians, orators and antiquarians were fulfilling the important task of reminding the Romans of their past and their identity.¹¹

Alongside moralizing historical exempla, precedents in legal questions and cases were also sought in the past. The Romans termed both kinds of references to the past exempla, but this study will distinguish between historical exempla with moral implications and legal precedents, which refer to rhetorical argument in legal mode and verdicts in forensic contexts.¹² Both historical exempla and legal precedents, however, derived from the actions and decisions of the ancestors, and therefore from *mos maiorum*. But while such references to ancestral custom carried weight, they were not incontestable. Each exemplum could often be interpreted in a variety of ways, depending on viewpoint and focus, and contrasting exempla could be dug out to claim the opposite.

Historical exempla could be expressed in a variety of ways and could also be found in a range of literary genres such as poetry, drama, and prose. The monuments and buildings surrounding the Romans in the cities, with or without explanatory inscriptions, would also remind them of the exemplary actions of the past, as would the coins in their purses and pockets. These physical representations would, in turn, become a backdrop against which orators would argue their case with references to the past. Moreover, this setting would become a crucial stage-set for rituals such as funeral processions and triumphs promoting the deceased or the triumphator as a model for imitation. The circle would close when these rituals and their central character became the focal point in the historical

Of course, Roman cultural thought was rife with abstract concepts of virtues such as *virtus*, *gravitas*, *honor*, *fides*, *dignitas*, *pietas*, etc., but in Roman history these concepts were mostly exemplified in concrete historical figures. For an overview of the Roman cult of virtues and the modern literature on the subject see Fears (1981). Clark (2007a) discusses the place and meaning of divine qualities (e.g. *concordia*, *fortuna*, *fides*, *libertas*, *pietas*, *honor*, and *virtus*) in Roman republican culture.

¹⁰ Walter (2004) 55 with note 63 argues that the exempla *Romana* formed the most valuable and eye-catching part of *mos maiorum*.

¹¹ Cic. *De or.* 2.36; *Acad. post.* 9.

¹² See the brief discussion in Chapter 5.

narratives.¹³ While these physical and literary expressions of exempla are not the focus of the present study, it is nevertheless important to remember that Cicero's use of exempla in speeches, letters, and treatises formed part of a much larger body of exempla which were exploited in many different ways: visually, orally, and textually.

Scholars have argued that the writing down of history tended to fix the historical exempla into one interpretation,¹⁴ and there is certainly an element of locking the interpretation of a certain individual or action. On the other hand, the evidence from Cicero suggests that historical exempla were flexible and could be formed to fit with a particular argument when needed.¹⁵ This view is supported by Braun, who has argued that the interpretation of *mos maiorum* (and the historical exempla of which it consists) by the Romans themselves was dynamic and only seemingly fixed. Indeed, as Braun argues, the purpose of an imaginary stability of *mos maiorum* was to form a Roman identity and social coherence which, in turn, led to a more factual stability in institutions.¹⁶

The term 'cultural memory' ('kulturelle Gedächtnis') has been employed to discuss the flexible and (seemingly) fixed interpretations of historical figures and their actions. This term was coined by A. and J. Assmann as a development of the terms 'collective memory' and 'social memory' introduced in the first half of the twentieth century by the sociologist M. Halbwachs and the art historian A. Warburg, respectively.¹⁷ J. Assmann defines cultural memory as

¹³ The various expressions of historical exempla specific to particular families and the political implications of public references to exempla within a family will be discussed in the section 'Family exempla' in Chapter 6. For good overviews of the many expressions of history in Rome—visual, oral, and textual—see Flower (1996) on *imagines* in particular; Walters (1996) on the temporal understanding in Rome and its importance for historiography and political culture; Gruen (1996) on visual expressions of memorable deeds as part of upper-class advertisement; Meadows & Williams (2001) on ancestral commemoration in Roman republican coinage; Hölscher (2001) on political monuments and public memory in republican Rome; Walter (2004) on all expressions of *memoria*; Flaig (2004) on the rituals with reference to history and importance for politics; Flower (2004) and Bell (2004) on spectacles as vehicles for commemoration; Morstein-Marx (2004) 77–107 on the interplay between orator and the commemorative aspects of the physical space in which he spoke; Hölkeskamp (2004a) collects important articles on republican, political culture, including exempla, *maiores*, and the spaces in which they were invoked; Bücher (2006) on historical exempla in general and Cicero's use of these in selected speeches. Many scholars have discussed the importance of the funeral procession (*pompa funebris*), often spurred by the account of Polybius 6.53–4, esp. Flaig (1995); Flower (1996) 91–127; Timpe (1996) 279–81; Blösel (2000) 37–46; Hölkeskamp (2004a) 188–90.

¹⁴ Fuhrmann (1987) 138; Timpe (1996) 295 (speaking of memory rather than historical exempla); Pina Polo (2004) 158.

¹⁵ Cicero's contrasting representations of the Gracchi in Senate and *contio* speeches is a well-known example, which will be discussed alongside other examples in the section 'The flexibility of exempla: the example of the Gracchi' in Chapter 6.

¹⁶ Braun (2002).

¹⁷ Halbwachs (1950/1985); Assmann (1992) 34–48 on Halbwachs' theory; Assmann (2000) 114–17 on the similarities and differences between the concepts of Halbwachs and Warburg.

the knowledge and identity of a group of people which regards itself as a unity. It is constantly renewed in view of the present, and it is characterized by both a formative, or didactic, element and a normative element. It works in two modes: a mode of potentiality as an archive of texts, images, and behavioural patterns; and a mode of actuality as it is relevant for the present.¹⁸ In this way, cultural memory is the collected cultural knowledge and identity of a well-defined group. As such, it is a construction of the past serving to form and renew the identity of the group.

Roman historians have tried to apply this term and concept to the Roman people and to the Roman nobility as a sub-group. The *maiores*, *mos maiorum*, and historical exempla have been discussed as part of this cultural memory of the Roman nobility and of the Roman people at large.¹⁹ Expressions and re-enactments of this cultural memory were the historical narratives, the material culture, the public performances referring to past events, and the rituals promoting certain individuals, indeed all the ways of expressing historical exemplarity mentioned above. In this sense, cultural memory can be understood as serving to create and renew an identity of the Roman nobility and, to a certain extent, the Roman people at large. In a cyclical process, the creation and development of historical narratives, material culture, public performances referring to the past, the rituals promoting specific individuals and, indeed, historical exempla all help to recreate and renew the cultural memory of the Roman society. Cultural memory is thus a useful term when discussing the importance of the *maiores* in Roman culture and society, and for understanding the impact of historical exempla in general.

For this study of Cicero's choice and employment of historical exempla, the discussion of a cultural memory of the Roman nobility and the Roman people provides a convenient background against which to discuss, for example, Cicero's expectations of historical knowledge in his audience and the ways in which he tailored his rhetorical strategy to suit this knowledge; Cicero's understanding of the identity of the Roman nobility and his manoeuvrings around it; and finally, Cicero's balancing act between the various interpretations of the *maiores*.

¹⁸ Assmann (1988) 12–16; Assmann (1992) 19–21. For a short overview of the development of these terms see Oexle (1995) 10–33.

¹⁹ For a conscious attempt to apply this term to the Roman society, see Hölkeskamp (1996) = Hölkeskamp (2004a) 169–98. Pina Polo (2004) applies this term throughout his analysis of Roman historiography and identity. Bettini (2000) 336–7 traces the relation between cultural memory and *mos maiorum*. Bücher (2006) 109 understands this idea of cultural memory as a fundamental premise for his study. Other attempts at applying this term to a Roman setting: Blösel (2000); Stemmler (2000); Coudry & Späth (2001). For an overview see Hölkeskamp (2006).

Mos, maiores, and historical exempla in Cicero

Exempla maiorum, referring to the ancestors in general, played a great part in Cicero's gallery of historical exempla.¹ In his defence of Flaccus in 59 BC, Cicero argues against the power of the popular assemblies: 'Oh magnificent tradition and discipline which we have inherited from our ancestors, if only we could maintain it! But somehow it is now slipping out of our hands. Those wisest and most just of our men wanted no power to reside in popular assemblies...' (*O morem praeclarum disciplinamque quam a maioribus accepimus, si quidem teneremus! sed nescio quo pacto iam de manibus elabitur. Nullam enim illi nostri sapientissimi et sanctissimi viri vim contionis esse voluerunt...*)² Cicero here uses the general example of the *maiores* and their alleged views as an argument against the witness testimonies produced against Flaccus, which, Cicero claims, are nothing but the undisciplined shouting of an inflamed mob. Cicero does not spell out exactly who in the past had argued against popular assemblies; he simply claims the existence of such views among the *maiores*. The argument rests on the idea that the ancestors' actions formed a code for good action and behaviour, which should be imitated.

¹ A selection of passages from Cicero's speeches containing references to the *maiores*: Cic. *Rosc. Am.* 50–1, 69–71; *Verr.* 1.42, 2.5.85, 2.5.125; *Leg. Man.* 6, 11–12, 14, 39; *Leg. agr.* 2.26, 2.73; *Flac.* 15–17, 28; *Dom.* 33, 68, 74, 77, 80; *Har. resp.* 18; *Sest.* 81; *Rab. perd.* 17; *Planc.* 8, 53; *Mil.* 83; *Phil.* 4.13–14, 8.3, 8.12, 8.23, 8.26, 9.3. See also Bücher (2006) 162–73 with Anhang II where *maiores* form the single most frequently used exemplum. For general studies of Cicero's use of the *maiores* see Plumpe (1935); Rech (1936) on *mos maiorum* in general but including Cicero; Roloff (1937); Vogt (1963) esp. 1–33 on Cicero's use of history in general including historical exempla, but not personal exempla; Lind (1979) 48–56 on *maiores* in Cato and Cicero. Plumpe (1935) 11 argues that Cicero's view of the past and the *maiores* did not change over time. Morstein-Marx (2004) 108 finds that there is a 'dividing line certainly discernible in Cicero's *contiones* between the age of "our ancestors" (*maiores nostri*) and that in the direct experience of "you and your fathers"; it falls roughly fifty to sixty years before the present.'

² Cic. *Flac.* 15.

Outside the speeches, Cicero likewise argues from the example of the *maiores*. In the *De republica*, Cicero has Scipio Aemilianus argue:³ ‘Nor am I now reciting such old and outworn things to you without a reason: I want to set up examples of men and actions using famous people and events, to serve as the basis for the rest of my argument.’ (*Neque ego haec nunc sine causa tam vetera vobis et tam obsoleta decanto, sed inlustribus in personis temporibusque exempla hominum rerumque definitio, ad quae reliqua oratio derigatur mea.*)⁴ This explicit expression of the usage of ancestral exempla suggests that Cicero thought these exempla useful, if not as a guiding principle in life then at least as a rhetorical point, confident in the audience’s trust in the utility of historical exempla.⁵ One could argue that Cicero refers to an aspect of Roman cultural memory. Scipio’s general idea of referring to historical figures and the old days in order to set up historical exempla to support his argument is followed throughout his discussion of the best possible state. Indeed, his analysis of the history of Rome in book two of the *De republica* portrays the kings and later the magistrates as either positive or negative exempla.⁶

Cicero also employs references to ancestral custom, sometimes specifically termed *mos maiorum*.⁷ In Cicero’s general representation, *mos maiorum* seems a constant, almost like a law, but in the *De republica*, Scipio praises the ancestors as exemplary because they changed the political institutions for the better by borrowing institutions from other societies.⁸ The wisdom of the ancestors is undeniable, but, if they could borrow and change institutions, why should present-day Romans not do the same? Here we are presented with a paradox between consistency and change: constant *mos maiorum* built on the change which the adoption of other institutions brings. This paradox was apparent in Cicero’s references to the *maiores* and *mos maiorum*, and it seems to be built into Cicero’s notion of exemplarity.⁹

³ In this study, I distinguish between ‘Scipio Africanus’: P. Cornelius Scipio Africanus, *RE* 336, 236–183 BC, cos. 205, 194, sometimes called ‘the elder’ Scipio; and ‘Scipio Aemilianus’: P. Cornelius Scipio Aemilianus Africanus Numantinus, *RE* 335, 185/84–129 BC, cos. 147, 134, and he was the adopted grandson of Scipio Africanus.

⁴ *Cic. Rep.* 2.55 (transl.: Zetzel (1999)). Cf. *Rep.* 1.62–3.

⁵ Bücher (2006) 162 understands Cicero’s use of the *maiores* as a guiding principle (‘Maßstab’).

⁶ For Cicero’s representation of the regal period in *De republica* see Fox (1996) 5–28.

⁷ A selection from Cicero’s speeches: *Cic. Verr.* 2.1.59, 2.3.185, 2.3.188, 2.5.60, 2.5.84–5; *Leg. agr.* 2.18–19, 2.31, 2.73; *Mur.* 72; *Sull.* 49; *Dom.* 33; *Cael.* 48. See Plumpe (1935) 61–69 for further analysis of Cicero’s references to *mos maiorum*.

⁸ *Cic. Rep.* 2.30. On Cicero’s understanding and use of law see Harries (2004); further expanded in Harries (2006).

⁹ Wallace-Hadrill (1997) 9 finds that this change was an intrinsic part of the Roman *mores* and thus *mos maiorum*. Harries (2006) 188 argues that the social meaning of *mos maiorum* was always open to debate.

In a passage from the *De officiis*, Cicero displays an almost blind trust in the choices of the ancestors. There are ancestral actions which Cicero cannot understand, such as the enfranchisement of the Tusculani, the Aequi, the Volsci, the Sabini, and the Hernici, and the sack of Corinth in 146 BC, but he still thinks that a rational purpose must have existed and that this purpose was justified.¹⁰ This blind trust in the ancestors was, however, not consistent, for Cicero argues against certain actions of the ancestors later in the same work.¹¹ The ancestors could be wrong in their judgement, but how is one to judge when they were wrong and when they were right? In other words, how could one be sure that the ancestors always acted in the right way and whether it would be sensible to follow their customs? It seems as if the trust in the ancestors was a publicly stated paradigm, but that intelligent men like Cicero might have their doubts in certain instances. Such doubts did not prevent Cicero or other orators from using the example of the ancestors whenever it suited their case.

The usefulness of references to the *maiores* was partly connected to the fact that adherence to the *maiores* lent authority to the follower. In the *Tusculanae disputationes*, Cicero makes Cato Maior explain that respect for the ancestors was expressed, already in the time of his ancestors, by honouring the great men of the past at dinner parties.¹² Here, the reverence for the ancestors and the resulting ways of honouring them is presented as an integral part of the lives of the Romans well before Cato's own time in the late third and early second century BC. This passage suggests that the appeal by past ancestors to exempla was in itself a way of validating the procedure of referring to historical exempla; in other words, a self-reflexive argument. By attributing such a claim to Cato, Cicero can demonstrate that the *maiores* were exemplary in following their *maiores*; by adhering to this pattern of imitation, the Romans of the present day secure a position as exempla for future generations.

The reason for this authority of the *maiores*, and thereby for *mos maiorum* as a standard, is not explained directly in Cicero's works; they simply possess authority (*auctoritas*).¹³ However, several passages provide hints to these reasons. One reason for the need to follow *mos maiorum* seems to have

¹⁰ Cic. *Off.* 1.35.

¹¹ Cic. *Off.* 2.74.

¹² Cic. *Tusc.* 4.3, cf. *Tusc.* 1.3; *Brut.* 75. The historical value of these passages and the authenticity of such poetic praises of the ancestors have been reassessed by Zorzetti (1990). Gildenhard (2007a) 135–7, 198–201 looks at the expressions in the *Tusculanae Disputationes* as part of Cicero's overall educational aim with the work.

¹³ Cic. *Inv. rhet.* 1.101; *Nat. D.* 3.7, 3.9. Plumpe (1935) 32–48 traces the *auctoritas* back to the *sapientia* and *prudentia* of the *maiores*, but these are simply other abstract concepts applied to the ancestors. In this study, the Latin term *auctoritas* and the English 'authority' are used interchangeably. See the section 'The importance of *auctoritas*' in Chapter 6 for more discussion of the relation between *auctoritas* and historical exempla.

been almost religious. In the *De legibus*, the interlocutor Cicero argues that the ancestors were closer to the gods than men of present day. Therefore, their rituals were almost given to the people by the gods and to follow these rituals would be to honour the gods in the way that they preferred.¹⁴ This notion of religious rituals can be seen as a parallel to the notion of following *mos maiorum* in general. If the ancestors were considered closer to the gods than present-day people, the ancestral customs must also have been preferred by the gods, if not handed down directly, and it therefore makes sense to follow this ancestral custom as the one protected and favoured by the gods. By following *mos maiorum*, the state and its citizens have the best chance of a prosperous and peaceful existence.¹⁵ This was indeed the argument brought forward by the early Roman historians, as we have seen above.¹⁶ In his *Philippic* speeches, Cicero also takes up the argument that the gods willed the Roman people to rule the world in order to support his view of following ancestral precedents.¹⁷ Cicero's idea of the godlike status of the *maiores* might be extreme, and it is only expressed in this form in the *De legibus*. However, the context of this work helps to explain Cicero's inclusion of this idea, as the *De legibus* was concerned exactly with the ways in which law and customs ruled the Roman state. In the different context of the *Philippic* speeches, where Cicero hoped to convince his audiences of military action against Marcus Antonius, he altered the argument slightly to divine sanction of Roman world rule without explicit reference to the *maiores*.

A further reason for the authority of the *maiores* can be detected in a passage from the speech *Pro Roscio Amerino*. Here, Cicero explicitly refuses to compare the morals of the past and those of the present, but implicitly he does exactly that. By stating that the prosecutor, Erucius, would have made a fool of himself had he pleaded in the same way in the past, Cicero argues that Erucius does not comply with the ideas of the ancestors. And since it was exactly these ideas which made the ancestors capable of extending the limits and greatness of the Roman state, Erucius must be understood to be in the wrong or else wanting to throw away all the ideas and actions which formed the Roman Empire.¹⁸ This idea of ancestral exemplarity building on their successful expansion of the Empire was not of Cicero's invention, but

¹⁴ Cic. *Leg.* 2.26–7. Cf. Cic. *Leg. agr.* 2.90 where the *maiores* are described as 'men endowed with a divine mind and reason' (*homines divina mente et consilio praeditos*).

¹⁵ Cf. Augustus' attempt to restore the *pax deorum*. See also Cic. *Rep.* 1.34 with Zetzel's (1999) footnote at the relevant passage.

¹⁶ Bücher (2006) 169–71 traces this general argument in Cicero too.

¹⁷ Cic. *Phil.* 6.19; cf. Cic. *Phil.* 8.12 for a similar argument of divine sanction for Roman world dominion.

¹⁸ Cic. *Rosc. Am.* 50–1. Cf. Cic. *Leg. Man.* 6, 11–12, 14, 39, 55.

widespread among the Roman historians and orators, as discussed above. Cicero's final point on the excellent men who are both good farmers and good statesmen is a clever use of the *topos* of the virtuous country life versus the perverting forces of city life. Cicero's reference to this *topos* is designed to undermine Erucius' prosecution by displaying his lack of understanding or even disregard of the old Roman virtue of working the land and fighting for the *res publica*, the state and its institutions. Erucius' attitude proves, in the mildest interpretation, his stupidity, and in a harsher interpretation, his lack of moral standing himself.¹⁹

Cicero's criticism of Erucius is rhetorical, but it also taps into a more general trend. In Roman republican historiography, there is a sense of general moral decline.²⁰ The relation between exemplarity and the idea of moral decline seems to be that either disrespect or ignorance made Romans of the present day act against the traditions of the ancestors represented through their exempla, thereby advancing the decline in moral standards. The idea of moral decline is not a necessary element of exemplarity. A Roman could argue from a historical example without lamenting the present moral situation. In the Roman society of Cicero's age, however, it seems that this idea of moral decline constituted one aspect of the rhetoric of exemplarity, as suggested by another passage from the *Pro Roscio Amerino*. Here Cicero refers to the exempla of the *maiores* and Scipio Africanus specifically, and then goes on to say directly that everything has altered and changed for the worse.²¹ In this way, exemplarity can be connected to ideas of moral standing, whether good or bad, because exemplarity contains a fundamental element of positive or negative moral evaluation.

The memory of exemplary men had a certain authority in Roman society. The question is whether this authority formed the motive for acting in an exemplary way. In the *De finibus*, Torquatus attacks the argument of the Stoics, as defended by Cicero, that the wise man, and thus the most exemplary man of all, acts only out of virtue and not out of expediency. For Torquatus the exemplary actions of the ancestors were spurred by a wish to save themselves, a wish to establish their authority, and, perhaps most importantly, a wish to obtain glory (*laus*) and esteem (*caritas*).²² This seems plausible, given the constant urge to attain *laus* and *gloria* ('glory') among Roman

¹⁹ Vasaly (1993) 156–72 puts this passage into the wider context of Roman idealization of the farmer as the pillar of honesty, virtue, and hard work on which the Roman Empire was built.

²⁰ Sal. *Cat.* 10–13; *Iug.* 41–42; Livy *praef.*; Lintott (1972); Lind (1979) 7–11; Levick (1982).

²¹ Cic. *Rosc. Am.* 102–3. See Cic. *Nat. D.* 2.9–10 for decline in the discipline of augury; Cic. *Rep.* 5.1–2 for the shallowness of the *res publica* of his day.

²² Cic. *Fin.* 1.34–6. Torquatus answers Cicero's claim from *Fin.* 1.23–4. Cicero returns to the question in *Fin.* 2.72–3.

upper-class males. Despite presenting it so, Cicero does not argue very differently from Torquatus, because he argues likewise that honour is one of the motives for acting virtuously.²³ For both, *laus* is the key to understanding these exemplary actions.²⁴ Throughout Cicero's philosophical treatises, this argument is emphasized and elaborated upon.²⁵ The prime motive for acting virtuously on behalf of the state was to secure one's memory and obtain honour, in other words, to become an exemplum. However, there is a difference between true *gloria* and 'the pretended representation of glory' (*adumbrata imago gloriae*). Only through performing duties in the appropriate way can good men (*boni*) approve the action and true *gloria* be obtained. Disregarding these duties and seeking only public reputation (*fama popularis*) leads to the false representation of glory and, in certain cases, even to the ruin of the country.²⁶ Here, Cicero seems to refer to Caesar's and Pompey's motivations for starting the civil war in 49 BC and Cicero's criticism forms part of a broader attack on the behaviour of some of his contemporaries in pursuing only personal interests rather than the interests of the state.²⁷ This criticism ties in with the idea of moral decline present in Cicero's age and he introduces a further factor in the pursuit of honour: that honour is dependent on the opinions of other people and that the moral standing of these people qualifies the glory. Reception, and hence an audience, is crucial for the validation of exemplarity.²⁸

²³ Cic. *Fin.* 2.61–2.

²⁴ Cic. *Fin.* 2.63–70. Cicero continues to count numerous exempla of Greek and Roman men and women acting in an exemplary way in pursuit of honour.

²⁵ Cic. *Fin.* 5.64; *Tusc.* 1.32–4. For a similar passage from a speech see Cic. *Sest.* 142–3. In the passage from the *Tusculanae disputationes*, Cicero does not stop at statesmen, but does in fact carry on about poets and artists also creating in the general pursuit of honour. There are reminiscences of the idea of virtuous men going to a heavenly place after death, as presented in the *Somnium Scipionis* in book 6 of Cicero's *De republica*. In Cic. *Tusc.* 1.109, Cicero even goes so far as to claim that the dead in some way can sense the honour bestowed on them.

²⁶ Cic. *Tusc.* 3.3–4. For the philosophical background to Cicero's expressions and the suggestion that Cicero saw the failure of teaching by exempla in the loss of the *res publica* necessitating teaching through philosophy, see Gildenhard (2007a) 167–87. Cf. Cic. *Tusc.* 1.89–90, 5.49–50; *Fin.* 5.69; *Off.* 2.43. Cf. Sullivan (1941).

²⁷ See Cicero's criticism of Caesar in Cic. *Off.* 1.26, 3.36, 3.83. For philosophical and tragic undertones in Cicero's criticism, see Gildenhard (2007b) 168–73.

²⁸ This lesson is also clear from Cic. *Sen.* 44, in which it is argued that after glory has been achieved, the glorious might act in a less exemplary manner and perform rather eccentric actions. This suggests, that glory is won by exemplary actions, whether without precedent or not, but also that this glory lends a certain freedom to act in unprecedented ways. It is not clear whether the peculiar and pretentious habits of the person discussed set an example for other people, but this passage does indicate some of the dynamics of exemplarity—the protagonist is both exemplary and unique—as well as the tension between precedent and non-precedent.

From Cicero's works, it seems that the *maiores* and their customs provided a kind of code of good conduct—at times compared to law—which held a certain level of authority with the Romans. The notion of the ancestors as closer to the gods fits into the idea that the ancestral practices should be respected and imitated because these were the very practices on which the ancestors managed to build and expand the Roman Empire in the centuries preceding Cicero's time. If these practices are respected, the Roman state will continue to flourish, Cicero argues. Failing this, the state is in a moral decline which will ultimately result in a general decline. It is not difficult to see the second notion leading to the first: ancestral practices form the leading principle for all Romans; therefore the men and women behind these practices can be put up on a pedestal as above normal human beings, as gods. Indeed these notions might have worked in a circular way in Roman cultural memory. The second notion corresponds well with the view expressed by Roman historians of the second and first century BC. Therefore, it seems that Cicero was not alone in this view of the *maiores* and that his arguments from exempla in his various works were founded on a general understanding of the pre-eminence and authority of the *maiores*, also in Roman politics.²⁹

The importance of the *maiores* and the effect of references to them in Roman society and, in particular, Roman politics form a fundamental background for understanding Cicero's choice and use of historical exempla. Cicero knew how to exploit the dialectical relation between history and *mos maiorum* on the one hand and the use of historical exempla on the other: it was in the interest of an orator such as Cicero to argue that he has to follow a particular course of action because it is part of *mos maiorum*, whereby the use of *mos maiorum* is to authorize what is nevertheless the most convenient action. Furthermore, as a *novus* he knew what the lack of famous family ancestors meant for an ambitious young politician. Once he became a senator, he could experience the political elite and its values from within. This double nature of Cicero's position created a tension as to his place in the Roman upper class. On the one hand, he was very proud of his achievements, in particular the consulship at the first possible opportunity (*suo anno*), and he considered himself on a level with the old *nobiles* in terms of authority and merit. On the other hand, the *nobiles* members of the political elite never allowed him to forget that he was still a new man and he was aware that some

²⁹ See, for example, Cicero's vision of the best Roman state possible, presented in the *Pro Sestio*, which is supported by the exempla of the *maiores*. One of the points in his argument is that since the *maiores* wished the Senate to guide and defend the *res publica* it ought to be so (Cic. *Sest.* 137). Note that Cicero does not favour the *nobiles* at large but instead the *boni* and the Senate.

of them looked down upon him. In an attempt to answer their, sometimes unspoken, scorn of his background, he referred to his successful bids to magistracies in order to win points in the game for political power played by the nobility. Another way of playing their game was to argue from the *exempla* of the *maiores*, a technique which Cicero used and mastered to the full. In the following, we shall see how well Cicero fared in this game of rhetoric and political power.

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Part I

Cicero the *Homo Novus*

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Cicero's background and education

Cicero is the person we know best in all antiquity because of the wealth of his extant writings. A large number of modern studies offer analyses of various aspects of Cicero's life and works. Therefore, I shall not attempt to give a full portrait of Cicero in the following, but instead outline the features of his background, upbringing, education, and early career which are necessary for understanding the later analysis. In particular, I shall focus on the people surrounding Cicero, whom he presented as models later in life. Similarly, the details of his education are of importance as education possesses a great element of exemplarity. The teacher is an obvious exemplum to his pupils, but also the writers of literature, history, and philosophy, which the pupils are set to study, can function as exempla to the pupils, as well as the figures mentioned in the literary, historical, and philosophical works. For Cicero, this element of exemplarity was exercised both as a pupil and as a teacher, and he hoped to become a historical exemplum himself.

Cicero was born in 106 BC as the eldest son of a wealthy equestrian family in the town of Arpinum, about 70 miles south-east of Rome. The town had received Roman citizenship in 188 BC and Cicero's family was among the most distinguished and powerful in local affairs. Cicero allows us only glimpses into his family background.¹ His grandfather had been active in local politics and even earned the praise of M. Aemilius Scaurus, consul of 115 BC and later leader of the Senate (*princeps senatus*).² His father's entry into public life was hindered by his ill health, and he instead spent time rebuilding the family home in Arpinum. Cicero expresses a special attachment to the house, the town of Arpinum and the surrounding area because they all represent his connection with his ancestors.³ We hear almost nothing about Cicero's

¹ For a full discussion of Cicero's family background see Treggiari (2007) 22–7 and the rest of the book for Cicero's private life in general.

² Cic. *Leg.* 3.36. For a discussion of this passage and its wider implications for our understanding of political life in a municipal town see Nicolet (1967). See also Mitchell (1979) 3.

³ Cic. *Leg.* 2.1–6. Cicero found that ill health was one of the few justified excuses for not participating in public life: Cic. *Off.* 1.71. Plut. *Cic.* 1 has only anecdotal references to Cicero's father, which he admits are unreliable.

mother Helvia except a brief reference to her in a letter from Cicero's brother, Quintus, to Tiro, Cicero's trusted secretary, and Plutarch's approving remark of her good ancestry and honourable conduct.⁴ In the extant works, Cicero himself never mentions his mother.

The Tullii Cicerones enjoyed good relations with a number of individuals with influence locally and in Rome.⁵ Through marriage, Cicero's grandfather was related to one of the other notable families in the local aristocracy, the Gratiidii, who were, in turn, friends with Marius, the seven times consul.⁶ Cicero's aunt was furthermore married to C. Aculeo, who enjoyed the patronage of L. Licinius Crassus, the orator and consul of 95 BC.⁷ Through Crassus, Cicero's family had contacts with Q. Mucius Scaevola Augur and Q. Mucius Scaevola Pontifex, who later would allow Cicero to listen in on their political and legal advice to their friends and clients.⁸ Cicero's uncle, Lucius, went with M. Antonius (cos. 99 BC) to Cilicia and Cicero's family nurtured the link to the outstanding orator and politician in the following years.⁹

Cicero's father was not able to take part in public life, but he clearly wanted his sons to have the best opportunities available for a public career in Rome. Cicero and Quintus received a traditional Roman education, including Latin and Greek, rhetoric, history, law, and what was less common, philosophy. After the initial years of study at home, the family moved to Rome sometime in the 90s BC to advance the boys' education with the best teachers and the political scene of the Empire just before their eyes.¹⁰

In Rome, the Tullii Cicerones made use of their connections to further the education of Cicero and Quintus. They, together with their cousins, were sent to the house of L. Licinius Crassus, where they were taught by excellent teachers. Crassus even took an active part in their education by questioning their teachers about the curriculum, and he probably advised Cicero against

⁴ Cic. *Fam.* 16.26.1; Plut. *Cic.* 1. See Shackleton Bailey (1971) 4 and Treggiari (2007) 25, 33 for discussions of Cicero's mother.

⁵ For further details see Nicolet (1967), esp. 293–304; Rawson (1971); Mitchell (1979) 1–51, esp. 10–16, 21–8, 30–3, 42–5.

⁶ Cic. *Brut.* 168. Mitchell (1979) 8, 45 argues that one should be careful in not overstating the importance of these connections. For the Gratiidii and Marii see Nicolet (1967) 291–3; Rawson (1971) 76–9.

⁷ Cic. *De or.* 2.2; cf. *De or.* 1.191.

⁸ Cic. *Leg.* 1.13; *Brut.* 306; *Amic.* 1. Cf. Plut. *Cic.* 3.2.

⁹ Cic. *De or.* 2.3; *SEG* 51.1092 records a group of soldiers participating in Antonius' Cilician campaign among whom 'L. Tullius, M. f.' figures, that is, Cicero's uncle L. Tullius Cicero.

¹⁰ The family occupied a house in the Carinae area, which Quintus took over when Cicero moved to the Palatine in 62 BC; Cic. *Q Fr.* 2.3.7; Plut. *Cic.* 8. For a short overview of Cicero's education see Corbeill (2002a).

attending the new school of Latin rhetoric.¹¹ It was perhaps during these years that Cicero studied Crassus' speeches as exemplary pieces of Roman oratory.¹² Cicero was also in contact with the other great orator of this period, M. Antonius, whose speeches he listened to and whom he often questioned on various subjects.¹³ Crassus and Antonius clearly influenced Cicero's rhetorical training. Cicero was an industrious student and, if we are to believe Plutarch, even the fathers of his fellow students came to see Cicero perform; such was his reputation and excellence.¹⁴ Indeed, Cicero later reminds Quintus of his ambitious childhood dream: 'Far to excel, out-topping the rest.'¹⁵

Cicero gained further rhetorical stimuli from listening to the best orators of the 90s and 80s BC, and even if he laments the fact that many of the best had either fled Rome or been killed during the civil wars in this period, Cicero still lists an impressive number of orators whose public performances he followed.¹⁶ In the late 80s BC, he enjoyed the teachings of the well-known rhetorician Molon of Rhodes, whom he was also to visit in Rhodes a few years later.¹⁷ For the study of law, Cicero was sent to the eminent jurist Q. Mucius Scaevola Augur when he had assumed the *toga virilis*, probably from around 90 BC. When Scaevola died, Cicero went to Scaevola's relative, Q. Mucius Scaevola Pontifex to continue his studies.¹⁸ As a child, Cicero had already had to learn the Twelve Tables, the archaic Roman law code, by heart, and the two jurists could build on this initial knowledge.¹⁹

One of Cicero's first encounters with philosophy was the Epicurean Phaedrus, whom he heard lecture in his childhood and later in Athens as well.²⁰ Cicero received proper philosophical training from Philo of Larissa, the head of the New Academy in Athens, who had fled to Rome because of the

¹¹ Cic. *De or.* 2.1–2; Suet. *Rhet.* 26 (with Cic. *De or.* 3.93). Cicero had also spoken to Crassus' wife, Mucia, thus indicating a relatively close relationship: Cic. *Brut.* 211. See Rawson (1971) 83 for further discussion and Kaster (1995) 294 on the passage from Suetonius. Rawson (1971) 82–8 discusses Crassus' political influence on Cicero. See Pina Polo (1996) 66–87 for a discussion of the cultural and political motives and implications of the closing of the school of Latin rhetoric.

¹² Cic. *Brut.* 161–5. Cf. Cic. *De or.* 1.225, where Cicero has Antonius quote a passage from Crassus' speech supporting the *lex Servilia* of 106 BC.

¹³ Cic. *Brut.* 307; *De or.* 2.3.

¹⁴ Plut. *Cic.* 2.2.

¹⁵ Cic. *Q Fr.* 3.5.4: a slightly altered quote from *Il.* 6.208, 11.784; cf. Cic. *Fam.* 13.15.2.

¹⁶ Cic. *Brut.* 304–11.

¹⁷ Cic. *Brut.* 312.

¹⁸ Cic. *Leg.* 1.13; *Brut.* 306; *Amic.* 1; Plut. *Cic.* 3.2. See Rawson (1971) 81–2 and Harries (2006) 17–26 on the influence of the Scaevolae on Cicero. Harries (2006) 22 says that Scaevola the Augur 'may have been a cousin, perhaps once removed, of the Pontifex'.

¹⁹ Cic. *Leg.* 2.59.

²⁰ Cic. *Fin.* 1.16; *Fam.* 13.1.2.

Mithridatic war.²¹ Cicero was also influenced by Diodotus the Stoic, who lived in Cicero's house from this period and many years afterwards. Besides philosophy, Diodotus taught Cicero dialectic, which Cicero found very useful for rhetorical purposes.²² Cicero might also have heard Staseas of Naples, the peripatetic, in the home of his friend M. Pupius Piso.²³ Cicero would have been familiar with all four major schools of philosophy. As for history, the only teacher of Cicero we know of is the antiquarian Aelius Stilo.²⁴ Cicero's later emphasis on the importance of historical knowledge in the orator and statesman, as well as his own extremely broad historical knowledge, illustrated by his many and varied references to the past, indicate the level of training he received, probably not from Stilo alone, and his great enthusiasm for the subject.²⁵ Cicero kept himself busy with the teachings of all these people, and with a full programme of exercises, sometimes together with other students such as M. Piso, Q. Pompeius, and Ser. Sulpicius Rufus, and mostly in Greek.²⁶

During the 80s BC, Cicero served on the staff of Pompeius Strabo, and probably met the son of the general, Cn. Pompeius, the later Magnus.²⁷ Later, he served with Sulla, and notably not with Sulla's enemy Marius, Cicero's fellow Arpinate.²⁸ Cicero does not emphasize this military aspect of his education, which normally formed an important step up the ladder for the politically aspiring young *eques*. His later reluctance to take up a military command and his impatience as to the end of his tenure as provincial governor in Cilicia attest to his lack of taste for campaigning.²⁹

Cicero took on his first public performances as advocate at a slightly higher age than normal, arguing that he wanted to be fully trained when entering the Forum rather than learning on the spot.³⁰ After his first civil and criminal cases, including the successful defence of Sextus Roscius of Ameria, which

²¹ Cic. *Brut.* 306; Plut. *Cic.* 3.1.

²² Cic. *Brut.* 309; *Acad. Pr.* 115; *Nat. D.* 1.6.

²³ Cic. *De or.* 1.104; *Brut.* 310.

²⁴ Cic. *Brut.* 205–7.

²⁵ Cic. *De or.* 1.18, 1.158–9, 1.165, 1.201; *Orat.* 120; *Brut.* 322. The range of historical exempla used by Cicero is vast in both time and space, but he limits his range to suit the particular contexts in which he spoke, as we shall see in Chapter 6.

²⁶ Cic. *Brut.* 310.

²⁷ Cic. *Phil.* 12.27.

²⁸ Cic. *Div.* 1.72; Plut. *Cic.* 3.2.

²⁹ Cic. *Att.* 2.1.3; *Pis.* 5 (turned down command after consulship), *Fam.* 3.2.1, 15.12.2 (sent out to Cilicia against own wishes), *Att.* 5.1.1, 5.2.3, 5.9.2, 5.11.1, 5.11.5, 5.17.5, 5.18.1, 5.20.7; *Fam.* 2.7.4, 2.8.3, 2.10.4, 3.8.9, 15.9.2, 15.13.3, 15.14.5 (impatience).

³⁰ Cic. *Brut.* 151, 311. Mitchell (1979) 53, however, thinks that this late entry to the public stage must have been a 'calculated response to political conditions, not ... a concern to burst on the political scene as a fully fledged Demosthenes'.

secured Cicero's reputation as an advocate, he went to Greece and Asia Minor. He states that his health had suffered from his many and arduous public performances, particularly since his style was too hard on his physique. Therefore, the purpose with this trip was to relax and to learn a style more suitable for his body.³¹ Plutarch thought that Cicero's departure had less to do with his health than with his unpopularity with the dictator Sulla after having attacked Sulla's right-hand man Chrysogonus in the speech *Pro Roscio Amerino*, but most modern scholars dismiss this view.³²

During his time in Greece and Asia Minor, Cicero studied with prominent rhetoricians and philosophers, including the Stoic, Posidonius, his previous teacher, Molon, in Rhodes, and the head of the Old Academy, Antiochus, in Athens.³³ In Athens, Cicero was accompanied by other young Romans studying with the masters of rhetoric and philosophy: Quintus, his friend T. Pomponius Atticus, his cousin Lucius Cicero, and M. Pupius Piso.³⁴ From the vivid account of an afternoon with his friends, Cicero gives not only an impression of how the education of a young Roman could be, but also that the setting of the education plays an important part too. He argues that being in the city and surroundings in which the great minds of Athens lived and worked gives great inspiration to young men on their way to excellence themselves.³⁵ This message underlines that education works partly through the use of exempla.³⁶

When Cicero returned to Rome in 77 BC, he was ready to embark on a political career. If not before his tour to the East, he now married Terentia, who was of a wealthy and distinguished family.³⁷ His education had comprised all the elements he was later to single out as crucial for the great orator: rhetoric, philosophy, law, and history.³⁸ Furthermore, he had made himself a name in public life through his forensic speeches (that is, the speeches delivered in court) before his departure from Rome, and he had gathered contacts and inspiration from some of the great men of the Roman state.

³¹ Cic. *Brut.* 313–14.

³² Plut. *Cic.* 3.4–7. A selection of modern scholars dismissing Plutarch: Gelzer (1969b) 23; Stockton (1971) 12; Rawson (1975) 25–6.

³³ Cic. *Brut.* 315–16, *Nat. D.* 1.6; Plut. *Cic.* 4.1–7.

³⁴ Cic. *Fin.* 5.1. Already in Rome, Cicero had practised preparing and delivering rhetorical declamations with M. Piso: Cic. *Brut.* 310. Cf. *Nep. Att.* 1.4 on the early connection with Atticus.

³⁵ Cic. *Fin.* 5.1–8; see Cic. *Leg.* 2.4; *Tusc.* 1.13; *Nat. D.* 1.106 for similar thoughts.

³⁶ For further details of Cicero's education see Rawson (1975) 7–11, 12–15, 17–22, 25–8; Bonner (1977) 76–89. For a more recent and general treatment of literate education see Morgan (1998) esp. 190–239 on rhetorical training.

³⁷ Treggiari (2007) 27–39.

³⁸ Cic. *De or.* 1.18, 1.48–57, 1.158–9, 1.165, 1.201, 3.133–6; *Orat.* 120; *Brut.* 161, 322; *Rep.* 5.5.

He continued to build up his name by appearing as defence counsel in various cases, including that of Roscius the comic actor.

Shortly after his return to Rome, Cicero reached the first step on the *cursus honorum* by his election to the quaestorship for 75 BC. He was sent to Sicily as the governor's quaestor, and through his conscientious conduct towards both Romans and provincials he gathered many friends and supporters. From this point onwards, Cicero's background as an *eques* and a *homo novus* became an increasing impediment to his continued political advancement. In spite of this disadvantage, Cicero succeeded in being elected to the aedileship (for 69 BC), praetorship (for 66 BC) and consulship (for 63 BC) *suo anno*, that is, at the lowest age possible. Cicero's success was founded not on military office, nor specifically on patronage from a powerful *nobilis* family, but to a greater extent on his oratorical skills and the supporters which his advocacy earned him, including the *equites*.³⁹ We shall see his oratory in action in the following, but in order to understand the background for his oratory, it is necessary to analyse and discuss the implications of being a *homo novus* in late Roman republican politics.

³⁹ For Cicero's attention to and support among the *equites* see Berry (2003).

Nobilis and *homo novus*

Cicero was a *homo novus*, but what did that mean in a late republican context? In the following, the term *homo novus* will be discussed in both theory and in Ciceronian practice in order to provide the necessary background for understanding Cicero's depiction of his own situation and the ways in which he attempts to overcome the disadvantages of *novitas* by, among other strategies, references to personal exempla.

Nobilis and *homo novus* in modern scholarship

There exists no ancient definition of the term *homo novus*.¹ Still, modern scholars have tried to formulate definitions which would cover and explain the various passages referring to *homo novus* and related terms. *Homo novus* is usually defined as the opposite of a *nobilis*.² Even if this presumption has been disputed, it is still helpful to consider the term *nobilis* before moving on to *homo novus*.³

In just the same way, no ancient definition of the term *nobilis* exists.⁴ Mommsen defined *nobiles* as those families who had the right to display wax portraits of their ancestors, the so-called *imagines*, in their atria. These included all patrician families and those plebeian families who descended from holders of curule offices, that is, dictator, *magister equitum*, censor, consul, praetor, and curule aedile.⁵ His definition was followed by most scholars of the nineteenth and early twentieth century until Gelzer in 1912 presented an alternative definition: nobility demanded consular ancestors (or

¹ Brunt (1982) 1.

² See, for example, Hellegouarc'h (1963) 473.

³ Flower (1996) 62; Levi (1998) 558.

⁴ Gelzer (1912) = Gelzer (1969a) 28; Brunt (1982) 1. See a good overview of the modern scholarship on *nobiles* in Goldmann (2002).

⁵ Mommsen (1887) III³, 463–4.

those with consular power such as the dictator and consular tribunes of the middle republic).⁶ This definition of *nobilis* thus excluded descendants of praetors and curule aediles. Gelzer thought that this notion of *nobilis* was developed already in the early republic.⁷ Gelzer's definition was generally accepted, with the corrections of Afzelius who found that not only descendants of consuls, but also the first consuls in a family are termed *nobilis*.⁸ Gelzer's definition of *nobilis*, with Afzelius' corrections, was generally accepted until Brunt renewed the discussion in 1982, questioning Gelzer's definition and instead argued for a return to Mommsen's.⁹ Brunt found that Gelzer's definition resulted in an unlikely high number of politically successful new men in the late republic (200–49 BC), whereas Mommsen's inclusion of descendants from praetors and other curule officers among the *nobiles* diminished the number of new men to a reasonable level.¹⁰ Since Brunt's critique, the discussion has oscillated between adherents of Mommsen/Brunt and Gelzer.¹¹

The traditional view of *nobilitas* representing a group in almost legal terms (possessing the *ius imaginum*) has been opposed from several quarters.¹² The consensus seems to be that the *nobiles* formed a group so little formalized that it is not possible to give a clear definition of the concept of *nobilitas*. Instead, *nobilitas* could be understood as a term implying a certain informal group character and a certain composition of members, even if this composition was in continual change. Indeed, Goldmann has argued that *nobilitas* instead should be viewed as a status connected with a certain behaviour, lifestyle, and ethos.¹³ However, Goldmann also detected passages in Cicero where he speaks of the *nobiles* as a group, albeit not very often. Goldmann suggests that the reasons for this small number of such references to the *nobiles* as a group could be, first, that Cicero himself was involved in politics, and that such references did not fit his rhetorical strategy; second, that the nobility only

⁶ Gelzer (1912) 25 = (1969a) 32.

⁷ Gelzer (1969a) 50.

⁸ Afzelius (1938) 91–4 and further modifications in Afzelius (1945) which rested on his adoption of Münzer's theory of a struggle between the various 'Adelsparteien' ('aristocratic parties'), now abandoned. See Goldmann (2002) 51 for discussion of Afzelius' contribution to the debate.

⁹ Brunt (1982) 1–17. Gelzer's definition followed by, for example, Syme (1939) 11; Earl (1961) 18; Nicolet (1977) 732.

¹⁰ Brunt (1982).

¹¹ Shackleton Bailey (1986a) 256–8 and Burckhardt (1990) 81 for Gelzer.

¹² Nicolet (1977) 728, 732; Bleicken (1981) 241, 252; Millar (1984) 11; Burckhardt (1990) 84; Levi (1998) 555; Flower (1996) 61–2. Afzelius (1938) 41 traced back Mommsen's (Mommsen (1887) III³, 465) view of a *ius imaginum* to the Italian renaissance humanist Sigonio's work *De antiquo iure civium Romanorum* (1560).

¹³ Goldmann (2002) 57–8.

seldom acted as an active and unified group. Taking the evidence from Cicero, Sallust, and Livy, Goldmann concludes that *nobilitas* refers both to a concept of status and to the delineation of a group.¹⁴

These discussions and disagreements illustrate the difficulty in clearly defining the concepts of *nobilis* and *nobilitas*. In fact, it can be argued that it is impossible to give a clear definition on the basis of the ancient sources. The lack of clarity might be due to the fragmented state of our collected source material, but one could also infer that the ambiguity in the sources reflected an ambiguity in the terminology itself as employed by the Romans. Certainly, Cicero adapted his usage according to the context in which he wrote or spoke, as we shall see below.¹⁵ *Nobilis* was not a legal or technical term, but seems to have been a political and ideological term applied for a rhetorical and political purpose, hence the ambiguity and fluidity in its usage. In this way, the *nobiles* did not constitute a legally defined group but rather an identity group defined and redefined for particular purposes in specific contexts. However, the disagreement in modern scholarship as to the term *nobilis* has consequences for the discussion of the term *homo novus*, to which we shall now turn.

Homo novus is usually defined as the opposite to *nobilis*.¹⁶ However, this idea has been questioned from various angles. Dondin-Payre argues from a theoretical angle that it is illogical to see these two terms as opposites when the terms are defined on very different foundations.¹⁷ Other scholars find that a number of Roman politicians qualified for neither the term *nobilis* nor *homo novus*, and that this middle group suggests that the opposing definitions of *nobilis* and *homo novus* do not cover all instances and are therefore generally flawed.¹⁸ A third group of scholars observe that the dichotomy simply does not make sense in the political life of the late republic, where these terms were vague and used in a variety of ways, often with intention.¹⁹ Related to this question is the disagreement as to whether a *homo novus* becomes a *nobilis* when entering political office or whether this applies to his descendants only.²⁰ Keeping these objections in mind, we can now move on to the discussion of the definition of *homo novus* in modern scholarship.

¹⁴ Goldmann (2002) 58–9, 62, 66.

¹⁵ In the following section 'Cicero's application of *nobilis* and *homo novus*'.

¹⁶ Most scholars are not explicit about this assumption, but simply take it as a prerequisite: Mommsen (1887) III³, 462–3; Gelzer (1912) = (1969a); Vogt (1926); Strasburger (1936) 1224 (is explicit); Afzelius (1938) 91–2; Afzelius (1945) 185 (is explicit).

¹⁷ Dondin-Payre (1981) 23, 38.

¹⁸ Brunt (1982) 13; Cassola (1988) 475; Burckhardt (1990) 82–3.

¹⁹ Burckhardt (1990) 83; Flower (1996) 61–2; Dugan (2005) 7–8.

²⁰ Mommsen (1887) III³, 462–3; and Afzelius (1938) 91–2 argued that only descendants were regarded as *nobiles*, whereas Cassola (1988) 474–5; Flower (1996) 62; and Levi (1998) 558 thought that the *novus* himself became *nobilis* when taking up political office.

Mommsen argued the dichotomy between *nobilis* and *homo novus*, and therefore a *homo novus* meant a non-patrician or somebody without ancestors with curule offices.²¹ Gelzer's redefinition of *nobilis* changed the definition of *homo novus* as well into someone without consular ancestors.²² Therefore, descendants of praetors and curule aediles counted as *homines novi*. This definition became generally accepted, based as it was on the conventional definition of *nobilis*.²³ In his influential study of the new men in the Roman Senate, Wiseman inserted a third definition of *homo novus* as a man without any senatorial ancestors.²⁴

Within a decade of Wiseman's publication, Nicolet and Dondin-Payre challenged these views.²⁵ In particular, Dondin-Payre questioned all three definitions, and therefore the works that built on them, by examining anew the passages in which the term *homo novus* appears in the ancient sources. She concluded that the decisive moment in which a politician merits the appellation *homo novus* is positioned between the praetorship and the consulship as much for the new man himself as for his ancestors, but also that the use of the term was so varied that it cannot signify anything but a vague socio-political qualification. Furthermore, that if the term *homo novus* ever formed a slogan it would have been in the first century BC; at least, it is safe to say that Cicero used it as a slogan. Finally, that Cicero's insistence on his *novitas* as opposed to *nobilitas* seems to have been the principal cause for the distortion in both sources and modern scholarship as to the importance of the term *homo novus*.²⁶ In other words, Dondin-Payre found that the notion of *homo novus* did not play a significant role in republican political life and that the *homines novi* did therefore not constitute a political force of importance.

Dondin-Payre's methods and conclusions have been criticized from various sides. Most importantly, her attempt at setting up a statistic has been criticized for being based not only on too small a sample but also on a reverse *argumentum ex silentio* in that references to *homines novi* could have been many in the non-extant literature such as the lost books of Livy's *Ab urbe condita*. Pani argued that instead of her rigid conclusion, one should recognize the flexibility in the terminology as employed in the ancient sources.²⁷

²¹ Mommsen (1887) III³, 462–4.

²² Gelzer (1969a) 34–5.

²³ Vogt (1926) 4; Schur (1929) 54–66. Strasburger (1936) presented both Mommsen's and Gelzer's definitions in his *RE* article 'Novus Homo'. Gelzer's view was also propounded in works not devoted specifically to the question of *novitas*.

²⁴ Wiseman (1971) 1, whilst also mentioning Gelzer's definition. Wiseman built on the double definition presented in Hellegouarc'h (1963) 472–3.

²⁵ Nicolet (1977); Dondin-Payre (1981).

²⁶ Dondin-Payre (1981) 31, 41, 47, 51–2. Burckhardt (1990) 82–3 takes up this view.

²⁷ Pani (1982) 194–6, 201.

Furthermore, Vandenbroeck argued that the small number of references to *homo novus* could be explained in a variety of ways, and not just as a reflection of political unimportance.²⁸ Other scholars have disregarded Dondin-Payre's analysis and conclusion altogether.²⁹

Burckhardt found that Dondin-Payre's conclusion on the lack of a political slogan of *homo novus* was correct when based on the literary sources, but not when compared to the reality of an open political elite.³⁰ Burckhardt referred to the important study of Hopkins and Burton from 1983 which showed that the political elite in the late republic was more open to new members, such as *homines novi* or men of less distinguished senatorial families, than modern scholars had allowed for. They based their conclusion on a study of the ancestral backgrounds of the consuls in the period 249–50 BC, and they found that a 'third (35%) of all consuls had no direct consular ancestor in the previous three generations', which indicated that 'the Roman Senate was wide open to outsiders, that is, to men who were not themselves the sons of senators'.³¹ In other words, Burckhardt argued, the exclusiveness of the political elite was illusory, but the implications for the terminology were not considered. However, Hopkins and Burton were not concerned with whether these *homines novi* were termed as such by themselves or others; therefore, their conclusion does not support the general usage of this term.

Dugan, in his study of Cicero's self-fashioning in his rhetorical works, is reluctant to give a precise definition of *homo novus*. Instead he explains that a 'new man' is 'a political outsider without the authenticating pedigree of ancestors who had held high elected office'.³² This explanation could be argued to cover all three suggested definitions, to which Dugan refers without deciding on one of them. His explicit unwillingness to adhere to a precise definition reflects not only the nature of his study but perhaps also a current trend in modern scholarship as to the term *homo novus*. Concerning the connection between the term *nobilis* and *homo novus*, Dugan follows Flower's view that *nobilitas* and *novitas* are not opposites (Dondin-Payre's argument), but he still recognizes that Roman politicians used both terms in order to promote themselves as adhering to one group at the expense of a political

²⁸ Vandenbroeck (1986) 239–41.

²⁹ Shackleton Bailey (1986a) 258, n. 9 found it 'unhelpful'; Badian (1996) did not refer to it in his *OCD*³ entry on *novus homo*.

³⁰ Burckhardt (1990) 83–4 with reference to Hopkins (1983) 32–78.

³¹ Hopkins (1983) 32–78, esp. 32 and breakdown of statistics in Table 2.4 on page 58. Beck (2005) has examined the background of the consuls in the period 290–180 BC and reached similar conclusions.

³² Dugan (2005) 1.

opponent whom they claimed belonged to the other group.³³ No agreement has been reached as to a definition of *homo novus*. Both Gelzer's strict sense of *homo novus* and the less strict sense (a man without any senatorial ancestors) continue to flourish in modern scholarship.³⁴ Indeed, Cassola warns against deciding on one definition because it would fail to take into account the variations in the ancient uses.³⁵

The acknowledgement of the importance of allowing flexibility in the terminology in order to understand the political rhetoric of the late republic is valid and significant. As with *nobilis*, *homo novus* seems to have been a political-ideological term which could be employed in various ways according to purpose and context. In this sense, Dondin-Payre's observation of the political context in which the term is applied (*homo novus* as the first person in a family to reach consulate or attempt to reach consulate) seems compelling, but might not constitute a rule. Rather, this observation reflects the scope for political challenge or self-promotion offered by this term (as we shall see in the following analysis of Cicero's application of the term). However, Dondin-Payre's conclusion on the political unimportance of the term *homo novus* is too firm, given the little evidence we have. Cicero is our strongest proponent of the term *homo novus*. He might have been unique in his political employment of this term, but his references to *novitas* seem unlikely to have worked in a rhetorical context, if his audience did not accept his usage, at least partially. Indeed, Cicero's oratorical success suggests that his rhetoric struck a chord in his audience and that he managed to persuade the majority of his audience to understand this term in the same way as he did.

Both the term *nobilis* and *homo novus* hinged on claims to famous ancestry, or lack of the same, of the candidate for political office. But what constituted proper credentials to either appellation were not always clear. The evidence, as discussed by modern scholars, suggests that claims to ancestry or the lack of ancestry were open for rhetorical manipulation either way. In this way, Dondin-Payre was right that *homo novus* is a socio-political term, but she might have underestimated the impact references to such a term could have in political rhetoric. In the following section, we shall see how Cicero employed both terms to further his own agenda, immediate and long-term, and how he chose to don this identity as a *homo novus* as and when it suited his purposes. This analysis provides the background for understanding his adoption of historical exempla as his personal exempla, since his *novitas* made his own

³³ Dugan (2005) 7–8.

³⁴ Shackleton Bailey (1986a) 258–60; Badian (1996).

³⁵ Cassola (1988) 476.

ancestors politically ineffective, and it helps us to understand his political views and dispositions, as will be discussed in Part III.

Cicero's application of *nobilis* and *homo novus*

It might not be possible to formulate a definition of the term *homo novus* which covers all the applications in the ancient literature. Instead, we should regard *homo novus* as a flexible term which Cicero employed especially in a variety of ways in order to make it fit his rhetorical strategy. Indeed, Cicero never gives a clear definition of what he meant by *homo novus*, but it is beyond doubt that he regarded himself as a genuine *homo novus*. In his first speech to the people after taking up his consulship, *De lege agraria* 2, he opens the speech by thanking the people for his election and by putting his achievement in perspective:

You have elected *me* the first *homo novus* consul after a very long interval almost going back to the beginning of our memory, and this position, which the nobility held secured by guards and fortified in every way, you have with me as leader opened up and intended it to be open to merit in the future. And not only did you elect me consul, which is in itself most honourable, but in a way in which few *nobiles* in this state have been elected consuls, and no new man before me. Surely, if you will remind yourself of other new men, you will find that those who were elected consuls without rejection were only elected after prolonged efforts and at a favourable opportunity, having canvassed many years after they had been praetors and considerably later than allowed by their age and by the laws; but those who canvassed in their year were not elected without rejection first; that I am the only one out of all new men whom we can remember, who canvassed for the consulship at the first moment allowed and who was elected consul when canvassing for the first time, so that the office you bestowed on me and which I canvassed for at the earliest possible time, was not seized at the favourable opportunity of another (inferior) person's canvass, nor was it demanded insistently by longstanding supplication, but obtained by excellence.³⁶

³⁶ Cic. Leg. agr. 2.3: *Me perlongo intervallo prope memoriae temporumque nostrorum primum hominem novum consulem fecistis et eum locum quem nobilitas praesidiis firmatum atque omni ratione obvallatum tenebat me duce rescidistis virtutique in posterum patere voluistis. Neque me tantum modo consulem, quod est ipsum per sese amplissimum, sed ita fecistis quo modo pauci nobiles in hac civitate consules facti sunt, novus ante me nemo. Nam protecto, si recordari volueritis de novis hominibus, reperietis eos qui sine repulsa consules facti sunt diuturno labore atque aliqua occasione esse factos, cum multis annis post petissent quam praetores fuissent, aliquanto serius quam per aetatem ac per leges liceret; qui autem anno suo petierint, sine repulsa non esse factos; me esse unum ex omnibus novis hominibus de quibus meminisse possumus, qui consulatum petierim cum primum licitum sit, consul factus sim cum primum petierim, ut vester honos ad mei temporis diem petitus, non ad alienae petitionis occasionem interceptus, nec diuturnis precibus efflagitatus, sed dignitate impetratus esse videatur.*

Here, Cicero makes clear that his election to the consulship in the first position was an extraordinary achievement for a *homo novus*, because the *nobiles* guarded the consulship by every means. While this passage does not prove that election to the consulship was the determining difference between *nobiles* and *homines novi*, it does suggest that the difference rested with the attainment of political office. The terms *nobiles* and *homines novi* indicate that the fundamental difference was to be found in their ancestry. Several passages from Cicero's speeches illustrate this point.

In his sixth *Philippic* speech, Cicero asks the people: 'What ought I not to do for you, Men of Rome? You preferred me to all offices, a man whose family starts with himself, before the noblest in the land.' (*Quid enim non debeo vobis, Quirites, quem vos a se ortum hominibus nobilissimis omnibus honoribus praetulistis?*)³⁷ Cicero describes himself as a man derived from himself (*a se ortum*), in other words, a man who made himself a career building only on his own performance and merit. Likewise, the *homo novus* Cato Maior built himself a name 'created from himself' (*ab se gigni*), ennobling the family of Porcius Cato forever.³⁸ M. Porcius Cato ('Censorius' and often 'Maior' in Cicero) (234–149 BC) was born in Tusculum into a non-senatorial family, hence a *homo novus*.³⁹ As a successful military leader, a great orator, and a protégé of the *nobilis* politician L. Valerius Flaccus, Cato built himself a political career which culminated in consulship (195 BC) and censorship (184 BC). Extant fragments from his speeches, of which he circulated written versions in an attempt to promote himself, show that he projected himself as a truly virtuous man who would defend the old Roman moral values against foreign influences and the degeneration of the politically dominant *nobiles*.⁴⁰ Astin has rightly interpreted Cato's stance as not a general attack on the *nobiles* but an attempt to counter the disadvantages of *novitas* by emphasizing the value of personal qualities and achievements and downplaying the importance of ancestry. Cato sought assimilation with, not dissociation from, the *nobiles*.⁴¹ The similarities in public pose are striking when compared with Cicero, as we shall see below, and Cicero duly recognizes Cato's success in entering his family into the ranks of the *nobiles*.⁴²

³⁷ Cic. *Phil.* 6.17 (transl.: Shackleton Bailey (1986b)). The crucial *a se* is an emendation by the Italian Renaissance humanist Poggius, and it is generally accepted: Manuwald (2007) vol. 2, 812.

³⁸ Cic. *Verr.* 2.5.180.

³⁹ *RE* 9 (Gelzer on life and politics, Helm on literary output); Astin (1978).

⁴⁰ Fragments in *ORF*⁴ 8. M. Porcius Cato fragments 1–254 and discussion in Hölkeskamp (2004a) 225–9.

⁴¹ Astin (1978) 66–8.

⁴² Cic. *Verr.* 2.5.180; see Cic. *Mur.* 17; *Rep.* 1.1 for Cato as a *homo novus*.

It is not clear exactly what Cicero means by the term *homo novus*, but what is beyond doubt is the fact that Cicero contrasts the *homines novi* with the *nobiles*.⁴³ The way in which Cicero regarded the *nobiles* and their position in Roman politics might help to illustrate his understanding of the *homines novi*. In the *De republica*, Cicero makes the interlocutor Laelius argue that Scipio is the best person to speak about the institutions of the *res publica* as handed down by the ancestors, because he is himself descended from the most distinguished ancestors.⁴⁴ In this way, Scipio's authority to speak on the matters of the *res publica* derives from his *nobilis* background, but also from his own merit, as Laelius continues to say. This suggests that a *nobilis* such as Scipio could claim the authority to speak on matters of the state because he could claim descent from famous ancestors who had built up the state.⁴⁵

Indeed, *nobilitas* was an advantage in political life. As Cicero argues in the passage from *De lege agraria* 2 quoted above, the *nobiles* have an electoral advantage in terms of the consulship. But even in the election to the lesser magistracy of aedile, the sons of the *nobiles* can muster greater support simply on the basis of their names.⁴⁶ The electoral advantage rests on the claim to authority connected to the ancestry, as Laelius pointed out in Scipio's case. Through references to famous personal forefathers the *nobiles* can exploit the cultural memory attached to their names and reap symbolic capital in their election. Even when set outside political influence himself, a *nobilis* can exert authority through his powerful family members and political allies. Non-*nobiles* could also have good connections, but Cicero emphasizes that *nobilitas* helped.⁴⁷ Such an authority from *nobilitas* was useful also in the courts. In his defences of P. Cornelius Sulla in 62 BC and L. Valerius Flaccus in 59 BC, Cicero refers to their

⁴³ Cic. *Verr.* 2.5.182; *Leg. agr.* 2.3–4; *Red. Sen.* 37–8; *Red. pop.* 6, 9; *Sest.* 136–7; *Fam.* 5.18.1. In *Verr.* 2.2.174, Cicero even distinguishes between *nobilissimi* ('the noblest'), *equestri loco profecti* ('men derived from equestrian background') and *homines nostri generis* ('men of our type'), the latter being *homines novi*. This distinction is spurred by the circumstances of the case in which a *nobilis* (L. Aurelius Cotta) had proposed the bill of changing the juries from purely senatorial to include equestrians as well, which was remarkable for a *nobilis* senator.

⁴⁴ Cic. *Rep.* 1.71.

⁴⁵ In both the *De republica* and the *De legibus*, Cicero argued for the importance of senatorial government of the state and that the senators should be good *optimates*. For Cicero, *optimates* meant the good and sensible men of the state and this group was not (necessarily) identical with the *nobiles*: Cic. *Rep.* 1.51, 2.56; *Leg.* 2.30. In fact, Cicero warns against the corruption and degeneration of *nobiles* leaders (*Leg.* 3.32) and instead refers to the ancestors of old who regarded *virtus* and *sapientia* as more important than ancestry (*Rep.* 2.24).

⁴⁶ Cic. *Planc.* 12, 51–2.

⁴⁷ *Nobilitas* and strong support from family and friends made the recall of P. Popilius Laenas and Q. Caecilius Metellus Numidicus possible, as Cicero argued in Cic. *Red. Sen.* 37–8; *Red. pop.* 6, 9. His purpose was to distinguish his own recall from exile as an extraordinary achievement given his *novitas*.

noble ancestry as a guarantee of their virtuous character and innocence, with the implicit promise of their continued good services to the state. Furthermore, he bases an emotional plea to the judges on the fact that a conviction would strip an illustrious *nobilis* and his whole family of their well-earned senatorial status. Cicero even suggests that the *nobiles* stand above the law because of their good services to the *res publica*.⁴⁸ These arguments were not of Cicero's invention, but taken directly from the rhetorical handbooks. In Cicero's own handbook, the *De inventione*, and in the anonymous and contemporary handbook *Rhetorica ad Herennium*, a rhetorical strategy based on claims to ancestry is deemed very effective, whether employed in defence or prosecution.⁴⁹

This political advantage was taken for granted by many *nobiles* who claimed it their right to be elected to political offices. This claim is brought out very clearly in Cicero's defence of the newly elected aedile Plancius in 54 BC. From Cicero's speech it is possible to discern that the prosecutor, M. Juventius Laterensis, an unsuccessful candidate in the election which made Plancius an aedile, was angry with the equestrian Plancius for having won a seat, while he himself, a *nobilis*, had not. Laterensis therefore prosecuted Plancius on the grounds of *ambitus* (electoral bribery). The underlying agenda in the prosecution was Laterensis' claim that he as a *nobilis* had more right to a magistracy than Plancius and that Plancius' very success as a *homo novus* was proof of his bribery of the voters. Throughout the speech, Cicero discusses Laterensis' alleged entitlement to the aedileship.⁵⁰ Cicero attacks Laterensis' interpretation of the ways in which magistracies ought to be bestowed: it is not only a question of the fame and dignity of one's family, but also one of canvassing for the favour of the people and of the moral standing of the candidate, two aspects in which Plancius excelled over Laterensis.⁵¹

Besides his personal qualities, Cicero argues that Plancius benefited from the advantage of municipal support. Most *homines novi* came from enfranchised Italian towns, *municipia*, such as Marius and Cicero from Arpinum

⁴⁸ Cic. *Sull.* 88–9; *Flac.* 98–104, cf. fragment from Nicolas of Cusa attributed to the *Pro Flacco* (not included in Clark's OCT (1909), but it is in Webster (1931) 59–60 and in Boulanger's Budé edition (1938); cf. also Webster (1930)): 'Our ancestors thought, judges, that this group of men should be spared so that they defended them not only when they were envied, but also when they were at fault. In this way they used not only to reward excellent actions but also to pardon their crimes.' (*Huic hominum generi maiores nostri sic parcendum, iudices, arbitrantur, ut eos non modo in invidia, verum etiam in culpa defenderent. Itaque non solum recte factis eorum praemia sed etiam delictis veniam dare solebant.*)

⁴⁹ Cic. *Inv. rhet.* 2.106–7; *Rhet. Her.* 3.13. The passage from the *De inventione* is quoted and both passages discussed in the section 'Family exempla' in Chapter 6.

⁵⁰ Cic. *Planc.* 12. See Cic. *Att.* 4.8a.2 on Domitius Ahenobarbus as a consul designate from the cradle.

⁵¹ Cic. *Planc.* 51, 67.

(enfranchised in 188 BC). This municipal background formed part of the disadvantage of *novitas* in Roman political life because it indicated a lack of Roman magistrates in the family and a consequent lack of ancestral backing. Cicero, however, tries to turn this disadvantage into an advantage in his defence of Plancius. He argues that the disadvantages of *novitas* can sometimes be compensated by a loyal backing from a municipal town for its promising citizen and he supports his argument with historical exempla, including that of himself. He argues that the *municipium* of Tusculum, to which Laterensis belonged, had already seen many consuls from their community whereas Plancius' *municipium* of Atina was not as used to consuls and therefore presented a more vigorous support for Plancius' candidature. In this sense, the *homo novus* Plancius has an advantage which the *nobilis* Laterensis cannot claim. Indeed, Cicero points out that municipal supporters of a *novus* can outnumber supporters of *nobiles* at elections.⁵²

Cicero connects his argument about the difference in levels of municipal support between Atina and Tusculum with a difference in sense of status in that Atina is less ancient, less distinguished in terms of the number of Roman magistrates, and less accessible from Rome compared to Tusculum.⁵³ The argument about Laterensis' Tusculum being less supportive might be a result of Cicero's rhetorical strategy of diminishing the backing of Laterensis, but his rhetoric appears to reflect actual circumstances as there seems to have been competition between the various *municipia*, especially communities in the same geographical area, for status in Rome, and the date of Roman citizenship appears to have been a factor in determining status. It is therefore plausible that the Tuscans who had been enfranchised long before the Atinates would perceive themselves to be of higher status.⁵⁴

Is Cicero's presentation of municipal support in the *Pro Plancio* simply rhetoric without a sound basis in reality? It is difficult to prove but municipal support seems to have had some force in the campaign and election for political offices in Rome,⁵⁵ and it has been argued that Cicero's canvass for

⁵² Cic. *Planc.* 18–23.

⁵³ Cic. *Planc.* 19.

⁵⁴ I am grateful to Kathryn Lomas for allowing me to quote her insights on this matter. See also Farney (2007) 45–9; Bispham (2007) 431–4. For Cicero's views of his own home town, Arpinum, see the famous passage about his 'two fatherlands' (*duae patriae*: Arpinum and Rome): Cic. *Leg.* 2.5. This passage is discussed in Roloff (1937) 6–8; Lomas (2004) 97–8, 116; Dench (2005) 179. See also Dyck (2004b) *ad loc.* for both cultural and philosophical aspects of this passage, with references to modern scholarship. Cf. Cic. *Att.* 2.11.2 where he cites the Odyssey in a praise of Arpinum: 'Rough land, but breeds good men; and as for me, / I can see no sight sweeter than my home.'

⁵⁵ Cic. *Sull.* 23–5; *Pis.* 3, although Cicero does not spell out how this worked in terms of voting procedures.

the consulship in 64 BC was supported by a number of Italian *municipia*.⁵⁶ One should not forget that Cicero through his background and actions as politician and advocate was firmly placed in regional networks of social obligation and relationships.⁵⁷ In fact, Cicero's return from exile was supported by many Italian communities.⁵⁸ Municipal background and its implications was a very real factor in Cicero's life. Furthermore, in Cicero's forensic speeches a common thread is the idea that municipal background can be presented as positive.⁵⁹ Indeed, the passage on the 'two fatherlands' (*duae patriae*) in the *De legibus* supports this thought.⁶⁰ This, together with the fact that Cicero treats Plancius' background in such detail in his defence, indicates that Cicero thought this claim to municipal support would have some force with his audience, the jurors. The fact that Cicero's defence was successful, as were many of his other defences of *municipes*, suggests that he touched a nerve in his audience with his rhetoric.⁶¹ Cicero's main argument in favour of Plancius' acquittal is that Plancius not only had just as much right to a magistracy as had Laterensis, but also that Plancius' victory was unsurprising.

Cicero's answer to Laterensis' accusations provides further clues to the ways in which the *nobiles* and *novi* candidates can be presented as different. He alleges that

⁵⁶ Mitchell (1979) 100–5; Deniaux (2006) 413, although this is an argument from inference (Cicero was patron of many *municipia* and Italian communities which could influence elections) rather than primary evidence, except for the problematic *Commentariolum Petitionis*, which Deniaux takes as a work of Quintus Cicero and Mitchell uses as a contemporary work. If we can take the *Commentariolum Petitionis* as a product of the late Republic, it supports (3, 24, 29–31, 50) this thought by arguing that many *municipia* are loyal to Cicero and that their loyalty will be an advantage in the elections. Therefore, Cicero should work on continuing their support by aligning himself with men of influence in towns and districts (and be careful to distinguish these from only seemingly influential and popular people), by obtaining friendships with men in all areas and thus gain a foothold in all towns, settlements, and provinces. This will not only be important in the actual voting but also in the preceding canvass in Rome where a candidate should display a throng of followers when parading through the city. Morstein-Marx (1998) 277–8 touches briefly on this aspect and takes Cic. *Planc.* as further evidence in his general attempt to reinterpret the *Comment. pet.* against the traditional Gelzerian model of patronage.

⁵⁷ Cicero presented himself as a patron of Italian interests in letters and speeches, and he supported various *municipia* as well as single *municipes* such as Roscius of Ameria, a woman from Arretium, Caecina from Volaterrae, Cluentius from Larinum, Murena from Lanuvium, Caelius Rufus from Interamnia, Plancius from Atina, Milo from Lanuvium, and Ligarius from Sabine country. He was *patronus* of Arpinum (Cic. *Fam.* 13.11), Atella (Cic. *Fam.* 13.7.1; *Q. Fr.* 2.13.3), Cales (Cic. *Fam.* 9.13.3), Capua (Cic. *Sest.* 9; *Pis.* 25), Locri (Cic. *Leg.* 2.15), Reate (Cic. *Scaur.* 27), *municipia* between Vibo and Brundisium (Cic. *Planc.* 97), Volaterra (Cic. *Fam.* 13.4); see also the speeches in defence of these individuals. Salmon (1972); Deniaux (1993) 287–8, 293–7, 374–5, 439–41, 451–2; Lomas (2004); Deniaux (2006) 413.

⁵⁸ Cic. *Red. Sen.* 25, 29; *Red. pop.* 10–11, 16, 18; *Dom.* 82, 90, 132; *Sest.* 72.

⁵⁹ Cic. *Rosc. Am.* 39–40; *Clu.* 46, 57, 197–8; *Rab. perd.* 8; *Sull.* 23–5; *Cael.* 5; *Planc.* 19–23. Lomas (2004) 110–16.

⁶⁰ Cic. *Leg.* 2.5.

⁶¹ See Bispham (2007) 433 for a similar argument.

Laterensis felt a duty to live up to his illustrious ancestors by attaining the magistracy:

You ask too, Laterensis, what you can say to the masks of your ancestors, what you can say to the most honourable and excellent man, your late father. Do not think of that and take care your complaint and excessive pain shall not instead be censured by those most wise men. Your father saw that Appius Claudius, a most noble man, while his brother, that most powerful and excellent citizen C. Claudius, was alive, was not elected aedile and yet the same man was made consul without defeat . . .⁶²

Cicero continues his argument by consoling Laterensis with references to the exemplum of Appius Claudius Pulcher who failed to obtain the aedileship and nevertheless reached the consulship (in 79 BC). Furthermore, he argues that Laterensis' ancestors would have had him take this defeat as a further impetus to canvassing for the next magistracy, and that if Laterensis takes this defeat calmly, he will show more *virtus* than by claiming his right to magistracy on the grounds of ancestry.

This passage illustrates some features of the ideology of the *nobiles*; they could be expected to feel the duty to strive after, and achieve, as much as their ancestors had.⁶³ This immense pressure seems to have been felt by Laterensis, since Cicero relates that Laterensis asked him how he can look his ancestors in the eyes again, literally in the form of *imagines*, now he had not reached the aedileship.⁶⁴ This last element is related by Cicero, and we cannot know for certain whether Laterensis did indeed ask such a question. However, the implication of this passage is that this kind of argument had force and must have been in general use. The shamefulness of underachievement and the sense of familial duty spurred both arrogance and a feeling of enmity towards the *novi*. Furthermore, this enmity sometimes resulted

⁶² Cic. *Planc.* 51: *Quaeris etiam, Laterensis, quid imaginibus tuis, quid ornatissimo atque optimo viro, patri tuo, respondeas mortuo. Noli ista meditari atque illud cave potius ne tua ista querela dolorque nimius ab illis sapientissimis viris reprehendatur. vidit enim pater tuus Appium Claudium, nobilissimum hominem, vivo fratre suo, potentissimo et clarissimo civi, C. Claudio, aedilem non esse factum et eundem sine repulsa factum esse consulem . . .*

⁶³ See Cic. *Rab. Post.* 2 where Cicero even mentions historical exempla for this feeling of duty; Cic. *Flac.* 25; Livy 7.10.3. This thought goes back to, at least, Polybius (6.53–4), who vividly depicted how the funeral processions (*pompae funebres*) of the *nobilis* families were aimed at honouring the dead and his family as well as spurring the young men to emulation. For discussion see esp. Flaig (1995); Flower (1996) 91–127; Timpe (1996) 279–81; Blösel (2000) 37–46; Hölkeskamp (2004a) 188–90.

⁶⁴ Cf. Cic. *Vat.* 28 where Cicero mocks the failure of M. Antonius Hybrida (cos. 63 BC with Cicero) to live up to his illustrious ancestors. By his shameful exile, Antonius would not witness the humiliating fact that the *imagines* of his meritorious father and brother would not be set up for public display in the house of a truly *nobilis* man, namely Antonius himself, but hidden in the house of the immoral scoundrel Vatinius, because of Vatinius' marriage to Antonius' niece Antonia. See Flower (1996) for a thorough analysis and discussion of the nature and role of the *imagines* in Roman politics and society.

in direct actions to curb the advance of *novi*; the prosecution of Plancius was not unique, as the cases against Murena in 63 BC and Ligarius in 46 BC show.⁶⁵ While the speech in defence of Ligarius has a few hints to the backgrounds of the defendant and his prosecutors, Cicero's defence of Murena takes up the issues of *nobilitas* and *novitas*, elucidating the ways in which an advocate could exploit these two categories for his own purposes.

L. Licinius Murena had been elected consul in 63 BC, together with D. Junius Silanus. Immediately after the election, Murena was prosecuted for *ambitus* by the unsuccessful candidate, the *nobilis* and patrician Servius Sulpicius Rufus and three other prosecutors. Cicero, among others, defended Murena and his main argument for acquittal was the need for a strong consul who could steer the country through the threat posed by Catiline and his followers in both Rome and the countryside, and the insecurity a further election round would impose on the *res publica* and the Roman people. Simultaneously, Cicero argued that Murena was innocent and that the prosecution was merely a result of the jealousy and disappointment of Sulpicius for having lost the election to Murena, who came from a plebeian family with only praetors and not consuls of which to boast.⁶⁶

In his lengthy discussion of the differences in background and the claim to the consulship between Murena and Sulpicius, Cicero tries to answer Sulpicius' attack on Murena's background and thus Sulpicius' claim that he had more right to the consulship than Murena. Instead of simply identifying Sulpicius' jealousy, Cicero seems to enter and respond to Sulpicius' line of argument. Cicero pretends to understand Sulpicius' references to Murena's ancestry as an attempt to distinguish between a patrician and a plebeian, a distinction which Cicero ridicules as old-fashioned. Indeed, Murena's family is as distinguished as any plebeian family because of the achievements of his great-grandfather, grandfather, and father: Murena is simply fulfilling his father's well-earned 'right' to the office, Cicero claims. Cicero is here turning around Sulpicius' alleged right to the consulship as a *nobilis* to an argument for Murena's right to the consulship as the son and descendant of distinguished praetors. In other words, Sulpicius' own argument is turned against him. Cicero goes on to strengthen this line of argument by maintaining that Sulpicius' own *nobilitas* is, in fact, not as distinguished as he believes or presents—it has worn off with age.⁶⁷ Cicero's feigned benevolence towards

⁶⁵ For the case against Ligarius, see Cicero's speech in defence *Pro Ligario*, in particular *Lig.* 20.

⁶⁶ *Cic. Mur.* 15–17.

⁶⁷ This ties in with the findings of Hopkins & Burton in Hopkins (1983) 37–9, 62–3 discussed in the section '*Nobilis* and *homo novus* in modern scholarship' in Chapter 4. See also Beck (2005) 153 on the fading of symbolic capital associated with a consular ancestry.

Sulpicius in including him among the *homines novi* striving for office through virtue and energy (*virtute industriaque*) would probably have offended and infuriated the *nobilis* Sulpicius.⁶⁸ But this typically Ciceronian inversion would have amused his audience and earned Cicero further points with the jury. This inversion reveals both the brilliance of Cicero's rhetoric and the fluidity of the terms *nobilis* and *homo novus*.

Next, Cicero refers to historical exempla of *homines novi* who had managed to break the *nobiles'* control of the consulship and he takes his own example as the definitive break after which any *homo novus* would have the possibility of reaching the consulship. Going from the argument that Murena has almost the same birthright to the consulship as Sulpicius because of his distinguished ancestors, Cicero moves on to align Murena with great *homines novi* of the past.⁶⁹ In other words, Murena is presented as a quasi-*nobilis* and a *homo novus*, both positions meriting his election to consul. Finally, Cicero employs his own example of a *homo novus* overcoming the obstacle of *novitas* in an attempt to dismiss this whole discussion of ancestry and birthright to the consulship altogether and to break down entirely the notion of a political distinction between *nobiles* and *novi*.

Cicero's rhetorical strategy in this speech was to defend Murena as both an innocent man and a man deserving and fulfilling the obligations of consular office. Sulpicius' attack on Murena's lack of *nobilitas* forced Cicero to evaluate the categories of both *nobilitas* and *novitas*. However, Cicero is deliberately unclear about what constituted these categories, or whether Murena was either a *nobilis* or a *novus*. In fact, Cicero instead plays around with these categories of *nobiles* and *homines novi* arguing that Sulpicius' *nobilitas* has almost expired but his virtues are similar to those of the new men, while Murena's ancestry makes him a quasi-*nobilis* but his actions as virtuous as a *homo novus*. What is clear is that Cicero's lengthy treatment of these issues must reflect a more widespread concern for the political implications of *nobilitas* and *novitas*, and that both categories and the interpretation of their political worth were open for negotiation.⁷⁰ Furthermore, Cicero's argumentation highlights that *homines novi* could look to past *novi* as exempla for emulation and thereby as part of their rhetorical strategy for success. This claim to past *novi* as exempla formed a crucial part in Cicero's rhetorical strategy, as we shall see in Part III.

⁶⁸ See Leeman (1982) 208; May (1988) 61–2 for a similar observation.

⁶⁹ For discussion of these exempla and their role in Cicero's rhetoric see the section '*Homines novi* as exempla' in Chapter 7.

⁷⁰ As also Badian (1968) 61 argues.

The purpose of Cicero's complex discussion of *nobilitas* and *novitas* was to make the jury more sympathetic to Murena's case and to secure the consul designate an acquittal, which, in fact, he did. However, Cicero's explicit inclusion of himself as the ultimate exemplum of a *homo novus* breaking down the barrier to consular office suggests that Cicero also wanted to promote himself and his political success as a *homo novus*. In 63 BC, Cicero was at the pinnacle of this success, being consul and in the middle of saving the *res publica* from the threat posed by the Catilinarian conspirators.⁷¹ As such, this passage ties in nicely with his expression of gratitude to the people and his self-advertisement of his great achievement of election to the consulship in the speech *De lege agraria* 2.

Both Laterensis and Sulpicius clearly felt a certain enmity towards their rival candidates. Cicero's elaborate counter-arguments suggest that claims to political office based on *nobilitas* were not necessarily considered ridiculous but could instead be credible and acceptable to the audience. The hostility of the *nobiles* in general towards the new men is clearly described by Cicero in his fifth *Verrine* speech. Here, Cicero depicts the ways in which the enmity of the *nobiles* complicates the political advancement of the new men, taking himself as an exemplum.⁷² He argues that he has to live according to a different law (*lex*) in a society in which all benefits (*beneficia*) are bestowed on the *nobiles* even when they are passive or undeserving. For the *homo novus*, such as himself, any wrong move or opening for insult will be attacked by the *nobiles*. The *homines novi* have to present themselves as especially virtuous. Cato Maior achieved his political successes because of his virtue (*virtus*), not his birth (*genus*), and reached his aim of enhancing his family name through political success, but also by incurring the hatred of the *nobiles*. Likewise the new men Q. Pompeius (cos. 141), C. (Flavius) Fimbria, C. Marius, and C. Caelius (/Coelius Caldus) are brought forward as exempla of *homines novi* characterized by *virtus* and *industria* ('energy'), as opposed to the position of

⁷¹ It is uncertain when Cicero circulated this speech. It is not included in the list of 'consular speeches' which Cicero sent to Atticus for comment in 60 BC (Cic. *Att.* 2.1.3), which prompts D. Berry to conclude that the *Pro Murena* was published prior to this letter of June 60 BC (D. Berry in his paper 'What are Cicero's *Catilinarians*?' delivered at the Cicero Away Day V in Edinburgh, June 2008).

⁷² Cic. *Verr.* 2.5.180–2. Brunt (1988) 155, n. 41 rightly finds that Cicero here attacks 'the *pauci*, not the Senate'. The envy of the *nobiles* is emphasized in other passages: *Sest.* 102; *Planc.* 59–61; *Font.* 23–7. See also *Comment. pet.* 13–14 (the envy towards Cicero); Sall. *Cat.* 23.6; *Iug.* 63.7. Interestingly, Cicero imagines that Verres had tried to present his actions as a defence of *nobilitas* against *homines novi* instead of simply extortion. Even if this pretence of Verres or even Cicero's claim thereof was not believed, this passage still suggests that *nobiles* could play on this feeling of enmity towards the *novi* when it suited them (Cic. *Verr.* 2.1.35). See Epstein (1987) 48–56 on the *inimicitiae* towards new men.

the *nobiles* founded on play and negligence (*ludus* and *neglegentia*).⁷³ In other words, the new men personify the virtues of old and should be taken as role models, while the degenerate nobility will only steer the country into misfortune.

This ideology of the *homines novi* is supported by a large number of passages in Cicero's works.⁷⁴ Sometimes, the 'virtue and energy' (*virtus et industria*) is replaced by 'hard work and constancy' (*labor et constantia*) or 'zeal and energy' (*studium et industria*), but both pairs seem to be synonymous with *industria*. When Cicero does not name *virtus* directly, the passages simply exude *virtus* from his descriptions of the ways in which the new men achieved their political successes. Through virtue and hard work, the *homines novi* can reach powerful political seats, whereas the *nobiles* are characterized by 'arrogance and intolerance' (*superbia atque intolerantia*) and only gain political success by their claimed birthright.⁷⁵

Sallust takes up this ideology of the *homines novi*, particularly in his historical monograph on the Jugurthine War, where he expounds on the themes of *novitas* versus *nobilitas*. Sallust sets up a strong dichotomy between the degenerate *nobilitas* and the people wishing only for 'liberty' (*libertas*).⁷⁶ As the champion of the people, besides Memmius, Sallust presents Marius and puts a speech into his mouth (dramatic date early January 107 BC) which crystallizes the issues of *nobilitas* and *novitas* and in particular the ideology of the *homines novi*.⁷⁷ Marius argues that he as a new man has managed to wrest the consulship out of the hands of the *nobiles*, who otherwise control the elections to the highest magistracy. The *nobiles* are, however, not worthy of the consular honour in that they have degenerated into 'idleness', 'arrogance', and lust for 'extravagance' (*ignavia*, *superbia*, and lust for *luxuria*). They cover up their shortcomings in election campaigns by referring to the achievements of their ancestors, displaying industry and modesty, but once elected they show their true and depraved nature. By such references to their ancestors, the *nobiles* are not accruing glory but instead shame because their own shortcomings are highlighted. They are furthermore envious of the *homines novi*

⁷³ The sources have both C. Coelius Calvus and C. Caelius Calvus. *RE* and Wiseman (1971) 225 prefer Coelius, but to avoid confusion both spellings are included at each mention in the following.

⁷⁴ Cic. *Rosc. Am.* 10; *Verr.* 2.3.7; *Clu.* 111–12; *Leg. agr.* 1.27, 2.1–10; *Mur.* 15–17; 24; *Sull.* 23–5; *Sest.* 136–7; *Planc.* 50–2; *Font.* 42; *Scaur.* fr. 1.4; *Fam.* 3.11.2. Cf. *Comment. pet.* 7–9 for a similar emphasis on the moral superiority of a *homo novus*. See also the description of this ideology of the *homines novi* in Wiseman (1971) 109–113. Allen (1954) 124 emphasizes the validity of these terms in Roman political culture.

⁷⁵ Cic. *Clu.* 111–12; *Planc.* 12.

⁷⁶ Sal. *Iug.* 30–1: the speech of Memmius aiming to rouse the people against the *nobiles*.

⁷⁷ For an analysis of Marius' speech see Earl (1961) 32–4.

who must work harder to reach political offices. Marius and other *novi* cannot depend on ancestral merit and must therefore rely on their own virtue (*virtus*) and innocence (*innocentia*) instead. Marius cannot display refined speech or sophisticated literary skills, but he can offer his practical experience in warfare and military virtues as an example for others to follow. He has no inherited statues, triumphs, or consulships but instead his own military spoils and even the scars on his body to exemplify his valour and virtue on behalf of the *res publica*. In this way, he is living up to the ancestors of old, instituting a 'new nobility' (*nova nobilitas*), whereas the *nobiles* have discarded the truly virtuous aspects of *nobilitas*.⁷⁸

Sallust's Marius is even more outspoken in his criticism of the *nobiles* than was Cicero, yet defining his *novitas* in the terminology of *nobilitas*. Sallust makes sure to cover all the aspects of the *homo novus*-ideology in this speech. Even if he does not pair *virtus* and *industria* explicitly, Sallust makes Marius refer to 'virtue and innocence' (*virtus et innocentia*) as well as to *industrius*, *virtus*, and *innocentia* separately, concepts which lie close to the ideology expressed in Cicero.⁷⁹ In this way, *virtus* is also a catchword in Sallust. Given the chronology of composition and overlap in political concepts taken up, it is possible that Cicero influenced Sallust's work.⁸⁰ Indeed, the detail and clarity of the message in Marius' speech makes it a good illustration of the issues revolving around the discussion of *nobiles* and *novi* in Cicero, and perhaps even of issues echoed in the political discourse of Cicero's and Sallust's time in general.⁸¹ It is also worth noting how Marius' application of *nobilis* terminology to himself, aspiring to rather than rejecting true *nobilitas*, mirrors Cicero's adoption and adaptation of *nobilis* exempla and vocabulary. Moreover, Sallust's choice of Marius to expound these views underlines Marius' status as an exemplum of a great *homo novus*, and his representation

⁷⁸ Sal. *Iug.* 85. For the theme of battle-scars as emblem of virtue see Leigh (1995).

⁷⁹ Sal. *Iug.* 85.1, 85.4, 85.17, 85.18, 85.38. For a discussion of the term *virtus* in Sallust see Balmaceda (2005) chapter 3.

⁸⁰ Sallust probably composed his historical works in the period 43–35 BC, thus after the murder of Cicero: McGushin (1977) 6; Paul (1984) 1–2; McGushin (1992) 1–4. For a comparison between the political usage of these concepts of *virtus*, *nobilitas*, and *novitas* in Cicero and Sallust see Earl (1961) 28–40; Wiseman (1971) 111 discusses possible other earlier sources for these concepts.

⁸¹ Dench (2005) 146–9 discusses Marius' speech and finds that 'To some extent, the War with Jugurtha provides a counterpoint to the work of Cicero, and the latter's interest in stretching and subverting the traditional ideology of "nobility" in order to find a place for the new man. Perhaps predictably, Cicero's argument is ultimately rather conservative: it is not that new men can claim to have virtues that nobles, by their nature, lack, but that nobility itself is no more and no less than virtue recognized: emphasis is shifted from the act of birth, while noble claims of virtue are not necessarily threatened' (147).

of Q. Caecilius Metellus Numidicus as the exemplary *nobilis* echoes Cicero's usage of Numidicus, as we shall see in Chapter 8.

Cicero employs the ideology of *homines novi* directly in his invective of Piso, the *In Pisonem* of 55 BC:

Does he even boast in front of me of having reached all magistracies without a single defeat? I can proclaim true glory in this on my own behalf; for the Roman people conferred all honours on myself . . . Likewise the praetorship was conferred on your ancestors [rather than on Piso himself] . . . However, when the Roman people made me quaestor in the first place, aedile of their first choice, praetor as number one in all their elections, they conferred the honour to a man, not a family, to my character not to my ancestors, to proved qualities not reputed nobility. (3) What need I tell you about my consulship, how I was elected or perhaps how I administered it?⁸²

Piso had attacked Cicero's consulship and in particular his handling of the Catilinarian affair and Cicero's pride expressed in poetry. In his reaction, Cicero employs the ideology of the *homines novi* by arguing that he, as a *homo novus*, stands alone and achieves as a result of his own character and previous merits. In this way, he can distance himself from and ridicule the *nobilis* Piso, who only reached political offices because of ancestral merit. In fact, Piso's shameful conduct towards Cicero displayed Piso's departure from the virtues of his ancestors.

Already, in his defence of Roscius from Ameria (80 BC), Cicero warns the *nobiles* against abandoning the virtues of old lest they should lose political power: 'I say this only: if those nobles of ours are not vigilant, good, strong, and compassionate, they will have to hand over their distinctions to those who do possess these qualities.' (. . . *unum hoc dico: nostri isti nobiles nisi vigilantes et boni et fortes et misericordes erunt, eis hominibus in quibus haec erunt ornamenta sua concedant necesse est.*)⁸³ If the *nobiles* should find this too harsh, Cicero had already a couple of chapters earlier tried to calm them by arguing that he has nothing against *nobilitas* as such and he therefore does not wish to injure its cause.⁸⁴ Notwithstanding this cautious tone, Cicero still warns the nobility against being too arrogant in their administration of the state. He demands that the *nobiles* should be 'vigilant, good, strong, and compassionate' (*vigilantes, boni, fortes et misericordes*) for fear that the

⁸² Cic. Pis. 2–3: *Is mihi etiam gloriabatur se omnis magistratus sine repulsa adsecutum? Mihi ista licet de me vera cum gloria praedicare; omnis enim honores populus Romanus mihi ipsi homini detulit . . . Praetura item maioribus delata est tuis . . . Me cum quaestorem in primis, aedilem priorem, praetorem primum cunctis suffragiis populus Romanus faciebat, homini ille honorem non generi, moribus non maioribus meis, virtuti perspectae non auditae nobilitati deferebat.* (3) *Nam quid ego de consulatu loquar, parto vis anne gesto?*

⁸³ Cic. Rosc. Am. 139.

⁸⁴ Cic. Rosc. Am. 135.

political power be taken over by those who are. Who these vigilant, good, strong, and compassionate people are is not exactly clear. Cicero's rhetoric leaves it up to the *nobiles* to react, implying that they can, in fact, live up to these qualities if they wish to do so, but it is also clear that political contenders possessing these demanded qualities are waiting in the wings, ready to take over political power if the opportunity arises. These contenders could be the political opponents of Sulla and his followers, who to a great extent came from *nobiles* families. The conflicts of the 80s BC were often presented as a fight between the good old nobility on the one side, and the new political upstarts, be they newly enfranchised Romans or young men from equestrian families, in other words *homines novi*, on the other. Whoever Cicero means he is still criticizing the existing *nobilis* powerbase for lacking four crucial qualities, echoing his later censure of degenerate and arrogant *nobiles* in contrast to energetic and virtuous *homines novi*.⁸⁵

In an attempt to steer the young sons of the *nobiles* away from this degeneration, Cicero encourages them to follow their ancestors of old and thereby to imitate the virtues of the *homines novi*:

I shall stir those of you young men who are notables [nobles] to imitate your ancestors and urge those who are capable of achieving notability through your manly talent to follow the course that has brought success adorned by public office and glory to many new men. (137) Believe me, there is only one path to praise, to worthy standing, to office. It lies in being praised and esteemed by patriots who are wise and sound by nature, and in understanding that the civil community was organized in the wisest possible way by our ancestors, who—because they had not been able to endure the power of kings—created the annual magistracies with this aim in view: the magistrates would ever set the senate's policy in authority over the commonwealth, but the members of that body would be chosen from the people as a whole, with access to that highest category of the citizenry open to the manly exertions of all.⁸⁶

⁸⁵ Gelzer (1969a) 22 argues that this passage shows that *nobilitas* was more than a 'Standesbegriff' ('a concept of (inherited) rank') for Cicero; a good man who worked for the benefit of the state could be considered *optimus et nobilissimus*. This passage also echoes Cicero's words to Caesar's general Hirtius: *nobilitas nihil aliud sit quam cognita virtus* ('nobility is nothing but recognized virtue') (Cic. *ep. Hirt.* fr. 3 = Nonius 704L, quoted from Shackleton Bailey's edition of Cicero's letters). This fragment suggests that Cicero operated with a meaning of *nobilitas* referring to merit besides the one referring to birth. As such, anybody could claim *nobilitas* on grounds of personal achievements. Cf. the discussion in Wiseman (1971) 110. An instance of such a virtuous *homo novus* is Cicero's 'standing in' for the unresponsive patron of the Sicilians in the *Verrines*, as Jonathan Prag kindly reminded me.

⁸⁶ Cic. *Sest.* 136–7 (transl.: Kaster (2006)): *vosque, adulescentes, et qui nobiles estis, ad maiorum vestrorum imitationem excitabo, et qui ingenio ac virtute nobilitatem potestis consequi, ad eam rationem in qua multi homines novi et honore et gloria floruerunt cohortabor.* (137) *Haec est una via, mihi credite, et laudis et dignitatis et honoris, a bonis vitis sapientibus et bene natura constitutis laudari et diligere; nosse descriptionem civitatis a maioribus nostris sapientissime*

Here Cicero combines his appeal to the young *nobiles* with a promotion of the ideology of the *homines novi*, setting up the new men of the past as exempla for the young men. It is not known how successful he was. Some of the *nobiles* were probably offended by his equalling of the *nobiles* with the *homines novi*.

Indeed, a couple of passages from Cicero's letters suggest that this threat of being displaced by the *homines novi* was felt by the *nobiles*. During his canvass for the consulship, Cicero worried about the attitude of the *nobiles* towards him and even told Atticus that there was a notion abroad that the *nobiles* would oppose his election.⁸⁷ Catiline, who was a patrician and thus a *nobilis*, tried to harm Cicero's candidature by calling him 'a foreign resident in the city of Rome' (*inquilinus civis urbis Romae*), an attack on Cicero's *novitas* also supported by Antonius (Hybrida).⁸⁸ Even after his consulship, Cicero had to endure offensive remarks about his background from opposing *nobilis* politicians such as Q. Caecilius Metellus Nepos, L. Manlius Torquatus (the son), Clodius, and his brother Appius Claudius.⁸⁹ Cicero had to face Clodius' resentful remarks about his *novitas*, as illustrated in a letter to Atticus from 61 BC shortly after the *Bona Dea* trial in which Cicero had testified against Clodius.⁹⁰ Clodius is angry with Cicero for having spoilt his alibi in the trial, but it is noteworthy that his attack on Cicero is based on Cicero's background as a *novus* from Arpinum.

Cicero was attacked from several sides, but the Claudii were particularly arrogant, as attested in a letter from Cicero to his predecessor as proconsul in Cilicia, Appius Claudius Pulcher.⁹¹ Appius presents himself as offended because Cicero had not turned out to meet him when he passed Cicero's camp. Cicero explains this as a misunderstanding. In fact, Appius had tried to

constitutam; qui cum regum postestatem non tulissent, ita magistratus annuos creaverunt ut consilium senatus rei publicae praeponerent sempiternum, deligerentur autem in id consilium ab universo populo aditusque in illum summum ordinem omnium civium industriae ac virtuti pateret.

⁸⁷ Cic. Att. 1.1.2, 1.2.2.

⁸⁸ Catiline's remark: Sal. Cat. 31.7 with App. B Civ. 2.2; the attack of both Catiline and Antonius on Cicero's *novitas*: Asc. 93–4C; Quint. Inst. 9.3.94.

⁸⁹ Metellus Nepos: Plut. Cic. 26.6; Torquatus: Cic. Sull. 22–5 where Cicero replies to Torquatus' accusation that Cicero was a new 'king of foreign origin' (*rex peregrinus*). The instances of Clodius and Appius Claudius are analysed below. May (1988) 72 comments that this passage provides 'an important commentary on Republican societal prejudices and the stigma that Cicero, even at this point in his career, struggled continually to erase'. See furthermore Wiseman's (1971) 101 comment on Cic. Fam. 5.2.2: 'It is clear that Cicero was *not* tolerable "in principibus"; it is also clear that Spinther had earned the unpopularity of his fellow nobles by his help of Cicero's career.' See Balsdon (1965) 179 on the sneer of the *nobiles*.

⁹⁰ Cic. Att. 1.16.10.

⁹¹ See also Cic. Har. resp. 17; *In toga candida* in Asc. 86C. Cf. [Sal.] Inv. In Cic. 1, 4, 7, and Tac. Ann. 1.4 for the inborn Claudian arrogance. Cf. Wiseman (1971) 100–5.

avoid meeting Cicero, so it seems that Appius was looking for an excuse to criticize Cicero. Appius turned the incident into a matter of *nobilitas* and *novitas*, and Cicero had to answer that challenge. Cicero is naturally somewhat irritated with Appius' haughtiness but argues that he is not Appius' superior. However, Cicero's approach of referring to an exemplum from literature in order to teach Appius the true meaning of *nobilitas*, taking on a role as a tutor who knows best, would probably have enraged Appius further. In this letter, Cicero does not state what, in his view, defines *nobilitas* and *novitas*, but it is clear that Appius did not regard Cicero as his equal even if they had reached the same political magistracies.⁹² Cicero's long-standing enmity with Appius' brother Clodius cannot have endeared him to Appius, but it is noteworthy that Appius refers to Cicero's *novitas* when Cicero had been consular for more than a decade; attainment of magistracies did not automatically lead to acceptance among the *nobilitas*. These passages give further evidence to the notion that the enmity of the *nobiles* towards the *homines novi* was based on a feeling of jealousy towards these new men obtaining the offices which the *nobiles* claimed to be theirs by birth.

In these passages, we see Cicero describing and commenting on the situation of both the *nobiles* and the *homines novi*. The *nobiles* are born into an aristocracy of political power and social superiority. They regard their position as well earned and therefore guard it against non-*nobiles* intruders, including *homines novi*. When *homines novi* reach political offices such as the aedileship or the consulship (and presumably praetorship), the *nobiles* claim their birthright to offices offended, react with envy and sometimes even try to stop the *homines novi* from taking up offices by means of legal cases in which the claim to political power based on *nobilitas* seems to have had some force. Non-*novi* were also sometimes prosecuted for electioneering (*ambitus*) after a successful candidature for political office,⁹³ but the cases discussed here involved substantial arguments from *novitas* and *nobilitas*, which illustrates that this was one of several rhetorical strategies to have impact with the audience. In this way, the *homines novi* have to fight both the disadvantage of not being well known to the electorate and the enmity of the *nobiles*. In response, the *homines novi* present themselves as possessing *virtus* and *industria*, which ensure their capability of filling their political posts. Furthermore, these virtues contrast them with the *nobiles* who have not only forgotten

⁹² Cic. *Fam.* 3.7.4–5. See now Hall (2009) 149–50.

⁹³ Among others, see Alexander (1990) nos. 190 (C. Calpurnius Piso in 68 BC), 201 (P. Cornelius Sulla in 66 BC), 238 (Q. Caecilius Metellus Pius Scipio in 60 BC), 299 (M. Valerius Messalla Rufus in 54 BC), 321 (Q. Caecilius Metellus Pius Scipio in 52 BC), 333 (C. Claudius Marcellus in 51 BC), 345 (Appius Claudius Pulcher in 50 BC).

about virtues but even degenerated into vices. These presentations often include references to the *maiores* of old who are said to have possessed these specific virtues, and the *homines novi* can then claim to return to the morality of the good old days, whereas the *nobiles* have degenerated despite having descended from these *maiores*. Finally, Cicero refers to past new men as role models for present *homines novi*, an argument which built on the ideologies of the *nobiles* and the *homines novi* outlined above and the claim to ancestral exempla, which is the object of discussion in Part III.

Both the *nobiles* and the *homines novi* presented themselves as virtuous and meritorious, albeit on different grounds. Members of both groups attempted to build up their persona through references to the ancestors, whether personal ancestors or general *maiores*, and both tried to make themselves look more virtuous by contrasting themselves with the less virtuous other side. The political discourse thus circled around moral claims based on ancestry and on the right interpretation of such claims to historical exempla. We shall see that Cicero employs various aspects of this discourse to his own advantage throughout his career.

Cato Maior's speeches show that Cicero's pose and argumentation was not unprecedented. Cicero's references to Cato as an exemplary *homo novus*, as well as the fact that Cicero had read around 150 of Cato's speeches and admired Cato's oratory greatly, indicate that Cicero knew of Cato's political stance and took a leaf out of Cato's book.⁹⁴ Whether other *homines novi* in the period between Cato and Cicero promoted such a *homo novus*-ideology is difficult to know as the few fragments from the speeches of the Roman republican orators do not reflect such arguments.⁹⁵ Cicero's influence is best detected in Sallust's incorporation of the *homo novus* ideology attributed to Marius in the *Bellum Jugurthinum*, if only as a reflection of political struggles of the past.

Cicero does not state exactly what he meant by *nobiles* nor *homines novi*, as this would have undermined the political value of these terms. Instead, he plays on the audience's connotations and associations of these terms in order to fit his rhetorical strategies. Depending on the context, Cicero can both claim the *nobiles* to be, on the one hand, virtuous upholders of ancestral traditions and authoritative guides in matters of the state and, on the other hand, degenerate and self-centred men unfit for political office.⁹⁶ We have

⁹⁴ Cic. *Brut.* 65–9.

⁹⁵ ORF⁴.

⁹⁶ Compare Cicero's flexible use of the term *nobiles* with that of the term *popularis* as discussed in, among others, Morstein-Marx (2004) 207–28 and Robb (2007), and Cicero's flexible discussions of the value of empire analysed by Steel (2001).

already seen the way in which he argues from both *nobilitas* and *novitas* in his defence of Murena, thereby both defending his client and highlighting his own political successes despite, or even because of, being a *homo novus*. This indicates that we should be very careful of taking these discussions of *nobilitas* and *novitas* at face value and instead look for reasons behind Cicero's argumentation, reasons determined by the force of claims to political influence based on *nobilitas* or *novitas*, determined by the immediate context and long-term considerations, and, finally, determined by Cicero's conscious promotion of his own political persona or personae.⁹⁷

There is, however, no doubt that Cicero regarded himself and was regarded by others as a *homo novus*. Indeed, with his background, he would fit into any of the three definitions of *homo novus*. His political strategy was not to gloss over the fact of his own ancestry, but instead to promote the good aspects of *novitas* through the ideology of the *homines novi*, in other words make a virtue of his *novitas*, and thereby claim a political position and influence equal to that of the *nobiles*. Cicero's successful application of the *novitas* brand shows how it could be politically valuable to play the *homo novus* card. At the same time, however, he was eager to become accepted as a member of the political elite. But he never called himself a *nobilis*, not even after the consulship.⁹⁸ One was only a *nobilis* if others regarded and termed one such. The term itself indicates as much: in order to qualify for the term 'well-known' (*nobilis*), one had indeed to be a well-known individual and not a nobody. The judgement of others is the key to *nobilitas*.

In conclusion, the discussion of the terms *nobilis* and *homo novus* in modern scholarship has underlined the lack of a clear ancient definition of the two terms and the resulting disagreement among the modern scholars. While such a disagreement might be frustrating, the conflicting evidence nevertheless seems to reflect the rhetorical variability of these terms in Roman political oratory and the dynamic nature of the republican political system. Cicero's flexible employment of both *nobilis* and *homo novus* should be regarded not so much as an impediment but rather as a great possibility of obtaining further insights into his views on the political game of ancestral status in Rome.⁹⁹ Indeed, his adjustment of these terms according to his rhetorical strategy can help us to understand both the immediate context of his message and his promotion of his own political persona. Therefore, an

⁹⁷ Dench (2005) 179, 185–6 stresses Cicero's oscillation between various public roles, including that of a new man.

⁹⁸ Although at the end of his life he presented himself as a family exemplum to his son Marcus, indicating that Marcus would now be considered a *nobilis* because of his father's magistracies; see Chapter 11.

⁹⁹ For a similar view see Cassola (1988) 476.

understanding of his usage of the terms *nobilis* and *homo novus* forms a crucial foundation to the analysis of Cicero's promotion of himself through references to his own historical role models. Another important avenue into understanding Cicero's self-advertisement through references to models for emulation is the way in which he used historical exempla. Therefore, we shall now turn to Cicero's choice and employment of historical exempla.

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Part II

Cicero's Use of Historical Exempla

Nam quod exemplo fit id etiam iure fieri putant, sed aliquid atque adeo multa addunt et adferunt de suo.

People think they have a right to do what others have done, but they also put in some contribution, say rather a large contribution, of their own.¹

In a letter to the senator and jurist Servius Sulpicius Rufus written in 46 BC, Cicero reminds Sulpicius of his speech in the Senate warning the senators against embarking on civil war. Sulpicius did so by enumerating past civil wars and advising the senators to fear both the cruelty of past wars and even more that of future wars, because past combatants had no examples of the past on which to justify their actions whereas future combatants could take past cruelty as their example and build on this. At this point the general observation quoted above is inserted: that people think that past exempla justify similar actions in the present and even add something of their own to these exempla.

This short reflection in Cicero's letter throws up a number of issues surrounding historical exempla which are relevant for the discussion taken up in this part of the study: the choice of exempla, the interpretation and use of the exemplum once chosen, the flexibility in usage and reception of exempla, and the many levels at which they can be employed. On that particular day in the Senate, Sulpicius chose to refer to a series of past civil wars in order to deter the Senate from a new one, but his rhetorical strategy did not work. Cicero later uses Sulpicius' argument from exempla as his example for a further point about the usage of such exempla, creating several layers of exemplarity to make his point. What he says about exemplarity is perhaps even more illuminating: that people look to the past for historical exempla for their own conduct, in this case as a justification for acting cruelly

¹ Cic. *Fam.* 4.3.1 (transl.: Shackleton Bailey (2001)).

in civil war, and that they pick the one exemplum which suits their purposes and then amend it accordingly. Likewise we can interpret Cicero's remark as aimed at the orator, who will also take an exemplum to strengthen his case, choose the most useful one, and manipulate it to make it fit his argument. A historical exemplum is never a neutral or objective entity, but will always be a subjective (re)interpretation of the past made to fit the user's aims. A historical exemplum is not a static but rather a fluid element which can be interpreted and reinterpreted in both words and action. This illustrates the difficulty of dealing with historical exempla for both the follower, the orator referring to such exempla, the audience receiving the orator's interpretation, and for us trying to understand how historical exempla worked in Roman political culture, as represented by Cicero.

The following analysis does not attempt to list or analyse Cicero's historical exempla in their entirety or in all their specific variants because Cicero's usage is too varied to be covered by any list. Nor does this analysis aim at applying a specific theoretical framework for understanding Cicero's use of historical exempla.² Here, an evidence-led approach is employed, by asking a range of questions with relevance to understanding Cicero's use of both historical and personal exempla as part of a historical and political context: how are we to define an exemplum in general, and the more specific historical exemplum, personal exemplum, and family exemplum? How is a historical exemplum created? How does the orator (and others) choose among existing historical exempla in order to make a persuasive argument or find a suitable role model in life? After the initial discussion of definitions, the analysis moves on to the creation of historical exempla and from there to the choice of such exempla. Cicero's main discussion concerning the choice of appropriate exempla touches on rhetorical, political, and moral aspects as well as the choice of family exemplum. This question therefore leads to an analysis of the usage of such family exempla in Roman republican oratory and culture and in Cicero in particular. Cicero's attack on *nobiles* falling short of living up to their ancestors illustrates the power of family exempla in Roman oratory and provides a further piece in the picture of Cicero's rhetoric as part response to the disadvantage of *novitas*. Finally, what factors affect the impact of historical exempla? The section on the problem of credibility when using historical exempla analyses the flexibility of historical exempla and the strategies employed by Cicero and others in order to present the most convincing

² I could have availed myself of the use of descriptive sources employed by those literary scholars who are interested in intertextuality in particular, but I do not think my overall project would have gained by being more rigorous in describing more formal correspondences between the various features of the historical exempla.

interpretation of exempla and thereby the most persuasive argument. In assessing the strategy of employing historical exempla in Cicero's works, the following factors are considered: the historical knowledge of the audience, including preconceptions of specific stock exempla; the proximity between exemplum and follower; and the authority of both exemplum and the user of exemplum. The final section analyses the reasons behind the variations in number and kind of historical exempla between the various genres of Cicero's works. The variations in Cicero's use are enormous, but the following analysis and discussion of some of the major questions regarding Cicero's use of historical exempla aim at showing the possibilities and limitations of historical exempla for the orator and thereby provide a basis for the subsequent analysis of Cicero's personal exempla.

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Definitions of historical exemplum and personal exemplum

Conparabile autem est quod in rebus diuersis similem aliquam rationem continet. Eius partes sunt tres: imago, conlatio, exemplum. Imago est oratio demonstrans corporum aut naturarum similitudinem. Conlatio est oratio rem cum re ex similitudine conferens. Exemplum est quod rem auctoritate aut casu alicuius hominis aut negotii confirmat aut infirmit.

There is argument from comparison, which comprises of a certain principle of similarity in a variety of aspects. It has three subdivisions: simile, parallel, and example. A simile is a statement demonstrating a similarity in physical appearance or character. A parallel is a statement comparing one thing with another on the basis of their similarity. An example is a statement which strengthens or weakens a case by reference to the authority or situation of an individual or an event.¹

In Cicero's *De inventione*, he defines exemplum as one of several ways to add probability to an argument through comparison. This section forms part of his discussion of the *confirmatio*, the part of the speech in which the orator tries to prove or add credit and support for his main point through argumentation.² Cicero's definition demonstrates that *exemplum* ('example'), *imago*

¹ Cic. *Inv. rhet.* 1.49 (Budé). Cf. *Rhet. Her.* 4.62 for a similar and contemporary definition. There is much discussion on the precise chronology of, and hence relationship between, these two works, but due to internal evidence it is now generally agreed that Cicero wrote his treatise around 91 bc, whereas the *Rhetorica ad Herennium* is usually thought to have been completed in the period 86–82 bc. For an overview of the discussion see Corbeill (2002a) 32–3. For a discussion of these two passages in relation to law see Harries (2006) 106–8.

² For Cicero's place in the rhetorical tradition and the relation between Greek παράδειγμα and Latin *exemplum* see Price (1975) and Stemmler (2000) 150–67, who both argue the differences rather than similarities between these two terms. The word 'exemplum' comes from *eximere*—to take out—and it has an extensive list of meanings, according to the *Thesaurus Linguae Latinae*, and discussed by Kornhardt (1936). Generally, 'exemplum' means 'sample', 'example' or 'specimen' and these terms can be understood in a variety of ways. This study focuses on the meaning of an example as a moral-didactic model for imitation (positive) or avoidance (negative).

(‘simile’) and *conlatio/collatio* (‘parallel’) are three separate tools in the orator’s kit by which to lend weight to an argument through comparison.³ The distinguishing element of *exemplum* when compared to *imago* and *collatio* is that it refers to the authority or case of an individual or an action in time, whereas *imago* and *collatio* are timeless. Another possible way of distinguishing *imago* and *collatio* from *exemplum* is that the former can be made between different categories whereas an *exemplum* needs to be of the same category to make sense.⁴ The difference between *exemplum* and other kinds of references to similarities such as *similitudo* and *collatio* is emphasized further in the second book of the *De inventione*.⁵

Cicero’s definition of *exemplum* is very broad and we must turn to his view of the function of exempla in order to come closer to what he meant by *exemplum*. Cicero’s works present a variety of purposes for employing an *exemplum*. In the *De inventione*, Cicero argues that the main function of exempla in oratory is the persuasion of the audience.⁶ As persuasion is the main object of oratory in general, the use of exempla is just one of many ways in which the orator tries to win over his audience. However, by placing exempla as part of the *confirmatio* in the *De inventione*, Cicero indicates that an *exemplum* can help to legitimize a particular view. This point is emphasized directly in the *Orator* and the *Partitiones Oratoriae*, where exempla are argued to be a legitimizing element within and outside legal context.⁷

A second reason for using an *exemplum* when trying to persuade an audience is the aesthetic function of such an *exemplum*; it is simply a pleasure to listen to references to the past, and a happy audience is the easier convinced.⁸ The two functions can be combined as shown in Cicero’s discussion of the double function of exempla in his third *Verrine* speech, where he states that exempla can be used to give authority to a point and to delight the audience.⁹

³ This translation is supported by the *Oxford Latin Dictionary*, s.v. *collatio* 4b. Evidence is the passage from the *De inventione* just cited and the *Rhet. Her.* 4.62.

⁴ See, for example, Cic. *De or.* 1.69, 1.129, 1.251, 1.254, 1.258, 2.70, 2.73, 3.101–3 where Cicero employs parallels rather than historical exempla.

⁵ Cic. *Inv. rhet.* 2.19, 2.25. Cf. Cic. *Top.* 41–6 with Reinhardt (2003) *ad loc.* where Cicero tries to explain the different ways of arguing from similarity.

⁶ Cic. *Inv. rhet.* 1.6.

⁷ Cic. *Inv. rhet.* 1.34–49; *Orat.* 120; *Part. or.* 49.

⁸ Cic. *Orat.* 120.

⁹ Cic. *Verr.* 2.3.209: ‘examples drawn from ancient tradition; from old monuments and old documents, full of dignity, full of antiquity. For such examples usually have both a great deal of authority in proving a point, and are very pleasant to hear cited.’ (*exempla ex vetere memoria, ex monumentis ac litteris, plena dignitatis, plena antiquitatis; haec enim plurimum solent et auctoritatis habere ad probandum et iucunditatis ad audiendum.*)

A third function of exempla, pointed out in several works of Cicero, is the moral-didactic function. Here Cicero refers specifically to historical exempla, not just exempla in general, as he discusses the ways in which an exemplum can be used to teach a lesson and can inspire men to imitate the great deeds of the ancestors.¹⁰ This function reaches beyond the immediate persuasion of the audience and with this in hand the orator attempts to steer his listeners into new actions. A further avenue in this attempt was to encourage somebody to act in an exemplary way in order to teach coming generations how to behave. In this way, the perspective of exemplarity moves from past–present to present–future. Cicero often uses this kind of argument in his efforts to persuade and influence.¹¹

A fourth function of referring to an exemplum which is not discussed in Cicero's theoretical remarks on exempla, is to console sorrow. This function is emphasized in Cicero's philosophical work *Tusculanae disputationes*, which he wrote shortly after the premature death of his beloved daughter Tullia. Here Cicero argues that hearing of similar grief can console a personal grief.¹² This function might seem to be different from the other ones in that it is meant to console rather than to encourage imitation and that no historical figures are mentioned. However, for this kind of exemplum to work, named individuals and their actions were needed to illustrate the grief and the ways in which to deal with it, ways which, in turn, could be imitated. In this way, this function has traits similar to those of the other functions. From this brief overview of functions of exempla in Cicero, it is clear that Cicero employs the word exemplum to cover several meanings. The two main meanings of exemplum in Cicero are what I would term 'historical exemplum' and 'legal precedent' (although Cicero refrains from such a distinction), and it is the former on which the present study centres. The difference between a 'historical exemplum' and a 'legal precedent' is explained in the following.

Historical exempla constitute a particular type of exempla, although Cicero does not give any specific definition of historical exempla in any of his works. In order to understand the ways in which Cicero regards historical exempla it is necessary to look at his uses of this rhetorical device throughout his

¹⁰ Cic. *Arch.* 14; *De or.* 2.36, 2.335; *Rhet. Her.* 2.46, 4.2, 4.13. Cf. Polyb. 1.1, 3.31.

¹¹ Cic. *Off.* 2.63; *Att.* 14.17a.6–8 = *Fam.* 9.14.6–8 with *Att.* 14.18.1, 14.19.5; *Fam.* 4.13.7, 6.10b.2, 6.22.2; *Ad Brut.* 2.5.6. Others seem to have used this argument as well, as Furnius tries to win Cicero for Caesar's side in March 49: *Att.* 9.6.6. Cf. *Fam.* 11.24.1, 12.2.1.

¹² Cic. *Tusc.* 3.58. Cf. *Tusc.* 3.70, 4.63 in which Cicero refers to his own *Consolatio* written to console himself after Tullia's death. Gildenhard (2007a) 69, n. 227 argues against seeing the *Tusc.* as a second *consolatio*. Compare Cicero's letter to Servius Sulpicius Rufus concerning his grief: *Fam.* 4.6.1–2. For discussion of this passage and its relation to Cicero's letter to Sulpicius Rufus see Wilcox (2005b).

works.¹³ By a historical exemplum, I mean a specific reference to an individual, a group of individuals, or an event in the past which is intended to serve as a moral-didactic guide to conduct.¹⁴ This definition implies that such references can be made only to specific individuals or events, not to certain moral values or characteristics separate from an individual or event. Furthermore, it distinguishes a historical exemplum from a legal precedent, which is, by contrast, a specific reference to a legal case in the past, the arguments used in the case, or, less often, the verdict reached. Legal precedents do not imply a moral judgement per se, but rather a type to be followed. Indeed, more often than a specific case referred to, Roman jurists and advocates referred to casuistic arguments based on hypothetical cases, in contrast to a historical exemplum which has to refer to a concrete historical figure or event from the past.¹⁵ The historical exemplum can be either positive, a model for imitation, or negative, a model to avoid. The distinction between a historical exemplum and a legal precedent is important for understanding Cicero's rhetorical use of references to the past and thus his employment of what I term historical exempla and personal exempla.

This definition of historical exemplum excludes a number of aspects in order to accommodate the great variety in Cicero's use of such references to the past. One aspect is the creation of a historical exemplum, in other words, the transformation of a historical individual or event into an exemplum. This aspect will be discussed below in a separate section. A temporal aspect is also crucial: how far back in time must an exemplum be in order to qualify for the term 'historical exemplum'? Is it necessary that the individual referred to is deceased or living? Cicero does not state his view explicitly, but his references to past individuals and events show that his historical exempla could range from very ancient to very recent. Modern historians might want to make a distinction between historical and mythical exempla, that is, between references to individuals who have actually lived and individuals who are invented for literary, historical, or political reasons. However, the distinction is blurred

¹³ Usher (2008) 158–75 gives a brief overview of various usages of history and historical exempla in Cicero's speeches.

¹⁴ This definition is based on Cicero's uses of references to the past throughout all his works, and its formulation is inspired by the definition proposed by Chaplin (2000) 3. Besides the moral-didactic function, some exempla can perform other functions as well, as emphasized by, e.g. Hölkeskamp (2004a) 180.

¹⁵ This definition of legal precedent is inspired by Harries (2006) 134–5. Furthermore, Harries (2006) 137–41 stresses that legal precedents were not formally binding but had some *auctoritas* and were therefore tools of persuasion. For the place of legal arguments in *mos maiorum*, see Chapter 1. For further discussion from a legal viewpoint see Schulz (1953) 92–3 and Watson (1974) 171–2, and from a rhetorical viewpoint see Kornhardt (1936) 65–72 and Price (1975) 112–13. For an example of Cicero's use of a legal precedent see Cic. *Balb.* 46 on Marius' grant of citizenship with Harries (2004) 155, 158–63.

in Cicero and it seems difficult to assess exactly whether, for example, Romulus would count as a historical or mythical exemplum in Cicero's view.¹⁶ Since this distinction is not crucial to the present study, and seems not to have been crucial for Cicero himself, it will not be attempted here. A final aspect is the reception of historical exempla and thus the possession of *auctoritas* which both Cicero and the author of the *Rhetorica ad Herennium* emphasize as an element of general exempla.¹⁷ However, this aspect is, in my view, not necessary for the definition of a historical exemplum, only for the definition of a *successful* historical exemplum. An author or orator could refer to a historical person or action with the intention of setting up a historical exemplum, and it would still count as a historical exemplum even if the audience did not recognize or accept it as such.

Oppermann, in her study of Cicero's use of historical exempla in his letters, presents a different definition (my translation):

In what follows, an *exemplum* shall mean the reference to real or perceived real individuals or events, which are evidently not themselves the object of the discussion. For such exempla the following holds: they must be unambiguously identifiable to the primary audience, must possess a certain level of importance (*auctoritas*, *casus*) and the events to which (explicitly or implicitly through the mention of individuals) concrete reference is made must, at least, be already concluded.¹⁸

This definition differs from mine in three ways: first, it is based on Cicero's theoretical remarks and his use of exemplum in the letters only, and not the whole corpus of Ciceronian works. This explains why Oppermann's definition does not stress the element of imitation or the moral implication of such an imitation; this is simply too obvious since she is dealing with such moral-didactic exempla only. Had she included exempla from Cicero's speeches, the difference between

¹⁶ For a discussion of Cicero's use of Romulus in the *De republica* as a historical rather than a mythical figure see Fox (1996) 5–20. Cicero did make a distinction between exempla as *facta* and *ficta* (Cic. *Top.* 41–6), building on Aristotle's distinction between historical παράδειγμα and 'invented' παράδειγμα, the latter consisting of παραβολή (analogy) and λόγοι (fables) (Ar. *Rhet.* 2.20.2/93a28–31). For a discussion of Cicero's use of figures from drama in his speeches see Klodt (2003).

¹⁷ Cic. *Inv. rhet.* 1.49; *Rhet. Her.* 2.48. See Stemmler (2000) 151, 155, 158 on the element of *auctoritas* in exempla and the section 'The importance of *auctoritas*' in Chapter 6 for more discussion of the relation between *auctoritas* and historical exempla.

¹⁸ Oppermann (2000) 19: 'Als *exemplum* soll deshalb im Folgenden die Erwähnung von realen oder als real betrachteten Personen oder Ereignissen angesehen werden, die deutlich nicht selbst Gegenstand der Erörterung, sondern von außen neben das Thema gestellt sind, und für die gilt: Sie müssen für die primären Kommunikationspartner eindeutig identifizierbar sein, über ein gewisses Maß an Bedeutung (*auctoritas*, *casus*) verfügen und die mit ihnen (explizit oder implizit durch die Nennung der Personen) zum Vergleich herangezogenen konkreten Vorgänge müssen mindestens bereits abgeschlossen sein.'

exemplum in a moral-didactic sense and exemplum as legal precedents would have been relevant. Second, her definition specifically includes the aspect of the audience's perception and reception of the exemplum. The reception of an exemplum, however, has only relevance for the impact and longevity of the exemplum, not its existence. Finally, she incorporates *auctoritas* in her definition, which makes sense insofar as an exemplum must possess this quality in order to have any effect. But this again ties in with the reception of the exemplum, which, in my view, is irrelevant for the definition of the historical exemplum. On the other hand, Oppermann's definition includes a temporal aspect, and Cicero's use of exempla in practice shows that such exempla need to be in the past, even if in the very recent past. Oppermann's definition is one of the successful historical exemplum in Cicero's letters, and not one of the historical exemplum in Cicero's works overall, and it is therefore not suitable for the present study.

Bücher's study of *exempla Romana* in Roman political discourse gives a shorter but broader definition, building on Kornhardt's (1936) study of exempla in general (my translation): 'thus could *exemplum* be regarded as that which an orator takes from the past with the aim of persuading a contemporary audience.'¹⁹ This definition emphasizes the element of persuasion but not of imitation. Bücher's definition is very broad and seems to cover exemplum in general, including legal precedents and exempla from literature and drama rather than the historical exemplum with a moral-didactic function.

Like general exempla, historical exempla can be regarded as positive or negative depending on the representation given. Often the person referring to these exempla as either positive or negative builds the interpretation on the immediate reaction to the historical individual or event—that is, the reaction when the historical individual acted—but not necessarily. There are examples of the opposite and of representations of the same event covering the whole spectrum between positive and negative. Historical exempla were used in a very flexible way in order to fit the current argument.²⁰

In practice, a historical exemplum is a channel for continuity in that it refers back to previous individuals and events as exemplary, implying the inclusion of these individuals and events in *mos maiorum*. But a historical exemplum can also involve change in that an exemplum from the past can normalize something in the present otherwise regarded as abnormal, by presenting a claimed similar instance in the past in order to make the present action seem less untraditional. This function of historical exempla was

¹⁹ Bücher (2006) 154: 'so könnte man als *exemplum* ansehen, was aus der Vergangenheit zum Zwecke gegenwärtiger Überzeugungsarbeit eines Redners herausgenommen wird.'

²⁰ See Stemmler (2000) 149 for a similar argument; my subsequent analysis below develops this idea of flexibility.

especially useful when employed to argue a specific case in point. Both kinds of argument appear to have worked in front of a Roman audience, given their successful deployment by Cicero in oratory, letters, and treatises. In this way, a historical exemplum can be used to push forward development, while at the same time stand as a bulwark against development. This paradox of continuity and change reflects the inherent contrast between static and dynamic in Roman society, a contrast which characterized the late republic of Cicero's time in particular.²¹ The paradox is much at play in the ideology of the *homines novi* in the sense that the *novi*, who by definition do not have a family tradition to rest on, take up the exempla of past exemplary men, including *nobiles*, and make them their own. In this way they continue the tradition of exemplarity but change it to fit their own situation.²²

Within the category of historical exemplum more specific kinds of historical exempla can be detected, one of which I have called 'personal exemplum'. The definition is based on the employment of such exempla in Cicero's works. By a personal exemplum, I mean a specific reference to an individual or group of individuals in the past which is applied as a model of conduct for a specific individual by his or her own reference. As for the other types of exempla, a personal exemplum can be both positive and negative. This definition is not dependent on whether the individual believed in these models, that is, whether his application of these models was reflecting an innermost feeling of adherence. However, it does entail that the application of these models reflected an attempt by the individual to promote himself as a follower of these models to other people. This public aspect of the definition is the central premise around which this study revolves.

An example of such a personal exemplum is Cicero's reference to M. Aemilius Scaurus (cos. 115 BC) in a fragment from *Pro Scauro* of 54 BC, where Cicero states: 'For not only did I admire this man [the father], as everybody did, but I held him in special regard. For he was the first to stir in me, ardent as I was with ambition for praise, the hope that I could achieve this by virtue and without the aid of Fortune, and that I could achieve my goal by energy and constancy.' (*Non enim tantum admiratus sum ego illum virum, sicut omnes, sed etiam praecipue dilexi. Primus enim me flagrantem studio laudis in spem impulit posse virtute me sine praesidio fortunae, quo contendissem, labore et constantia pervenire.*)²³ Cicero here tries to associate himself

²¹ Cf. the discussion of exempla as arguments for change in Chaplin (2000) 160.

²² Dench (2005) 68 describes this mechanism as 'a nice example of the flexibility and innovation possible within a society that prided itself on its traditionalism'.

²³ Cic. *Scaur.* fr. 1.4 (Asconius). This passage will be discussed at length in the section on Scaurus in Chapter 8.

with Scaurus in order to lend himself authority in his defence of Scaurus' son, but he does so in a very distinct way: Cicero presents Scaurus as a positive model for his own political strategy. Whether Cicero really believed Scaurus to be a model for himself or it was simply a rhetorical trick to promote himself as an advocate of Scaurus or as an advocate and politician in general is not possible to discern. What matters for the understanding of the term 'personal exemplum' is that Cicero represents a historical figure as not only an exemplum for everybody, but an exemplum for himself personally.²⁴ We shall return to this passage in the analysis of Cicero's personal exempla.

²⁴ This study concerns Cicero's personal exempla, but he was not alone in adopting models, cf. Cic. *Brut.* 203: Sulpicius 'had fixed on Crassus as his model; Cotta had chosen rather Antonius. But Cotta lacked the force of Antonius, Sulpicius the charm of Crassus.' ([Sulpicius] *Crassum hic volebat imitari; Cotta malebat Antonium; sed ab hoc vis aberat Antoni, Crassi ab illo lepos.*) A later instance is L. Sestius (*RE* 3, Münzer), *cos. suff.* in 23 bc, and son of P. Sestius defended by Cicero in 56 bc, whose loyalty to his general Brutus in the wars against the triumvirs continued long into Augustus' reign as he kept images of Brutus and delivered eulogies to him (Dio 53.32.4).

The nature and functions of historical exempla

A long passage from Cicero's third *Verrine* speech (*actio secunda*) is an excellent introduction to the themes that will be discussed in this section as it is the most detailed discussion of exemplum in Cicero's works.¹ C. Verres had been governor of the province of Sicily (73–71 BC) and was subsequently prosecuted for extortion in the province. Because extortion against provincials was accepted to a certain level, Cicero, in his prosecution, tried to set Verres apart from this accepted level by arguing, with the help of exempla, that Verres was extraordinarily extortionate and therefore should be convicted. The passage to be discussed comes at the end of the third speech, in which Cicero examines Verres' dealings with the tithe, purchase, and commutation of corn, the speech known as *de frumento*. After his extremely long and detailed analysis of Verres' crimes, heavily illustrated with exempla, Cicero goes on to discuss exempla more generally. In this passage, there are many layers of thought, which run alongside each other giving different facets of the idea of exemplarity. The whole *actio secunda* against Verres, of which this passage forms part, was never delivered. But Cicero circulated this *actio secunda* in writing, probably shortly after the trial, in order to promote his success and oratorical skills. Therefore, these speeches must reflect a certain level of acceptable oratorical arguments.²

As a rhetorical base beneath his thoughts on exemplarity Cicero challenges Verres' defence advocate Hortensius to bring forward historical exempla in support of Verres' actions. Cicero proposes different exemplary Romans from the past and present, but rejects them all as exempla for Verres' actions because they had not done exactly as Verres did. Of course, Cicero could have found an exemplum proper, had he wished to, but throughout the whole *actio secunda*,

¹ Cic. *Verr.* 2.3.209–22.

² Brunt (1980) 287; Frazel (2004) 133–4, 135–8; Tempest (2006) chapter 3.

Cicero's main point is that Verres' actions were so extraordinarily evil that they excluded the possibility of finding any example to absolve him from guilt. Therefore, Cicero's survey of exempla which could have been proposed by Hortensius would never result in an acceptance of one such example.

Before Cicero even starts to enumerate and discuss the possible imagined exempla brought forward by Hortensius, he gives a brief insight into the double function of exempla: to give authority to a point and to delight the audience.³ In this way, exempla have both an aesthetic and a practical function; both their form and their content are valued and can result in success for the orator. Both functions could be performed by historical exempla and legal precedents alike (as per my definitions). However, in this section on possible arguments from exempla, Cicero refers mainly to historical exempla.

Cicero then brings forward a number of exempla, to which he expects Hortensius to refer, namely Scipios, Catos, and Laeliuses as well as the elder Catulus, Marius, Scaevola, Scaurus, and Metellus. The wording of the passage, as well as the fame of the Scipios, Catos, and Laeliuses, suggest that these were Roman stock examples, which an orator could pick with the knowledge of being understood by the audience. Their authority as exempla is unquestionable, but Cicero cannot find a single similarity between these exemplary men and Verres, therefore he continues with the next group. The other five Romans are picked for being more recent and therefore fit into the fiction of Hortensius wishing for exempla of a more modern fashion. They had been leading men in the generation immediately preceding Cicero's own, and Cicero employs them in the same vein as the older exempla, namely as stark contrasts to Verres' conduct.⁴ Both groups of exemplary men are rejected as examples for Verres' conduct, because they did not act in the same way as Verres and therefore the validity of the exempla did not exist. Cicero then imagines that Hortensius will go even further back to dig out some older examples.⁵ By leading the argument in this direction, Cicero not only manages to argue that the present is experiencing a moral

³ Cic. *Verr.* 2.3.209.

⁴ Cic. *Verr.* 2.3.209. Scipios: Scipio Africanus and Scipio Aemilianus (if not also more Scipios); Catos: Cato Maior, but who is the other?; Laeliuses: C. Laelius (father cos. 190 BC and son cos. 140 BC), Q. Lutatius Catulus (cos. 102 BC), C. Marius, Q. Mucius Scaevola (probably the Pontifex, cos. 95 BC), M. Aemilius Scaurus (cos. 115 BC). The Metellus mentioned is not easily identifiable. Münzer (*RE* Caecilius Metellus no. 97) and Shackleton Bailey (1992) 26 have suggested Q. Caecilius Metellus Numidicus (cos. 109 BC), but Metellus Creticus (cos. 69 BC) is also a possibility. Cicero's regular references in later works to Catulus, Marius, Scaevola Pontifex, Scaurus, and Metellus Numidicus (sometimes in pairs but not all together, as analysed in Chapter 8) suggests that Metellus Numidicus is meant in this passage too. I would like to thank Jonathan Prag for showing me extracts from the forthcoming commentary on Cic. *Verr.* 2.3, edited by S. Pittia, J. Dubouloz, J. Andreau, J. France, and J. Prag (forthcoming).

⁵ Cic. *Verr.* 2.3.210.

decline, but also that Verres can only be compared to men whom the ancestors would have punished, thereby making his mock defence into a proper prosecution. Between the lines, Cicero makes Verres stand as a symbol of the moral decline of the present, and urges the judges to give him an exemplary punishment lest they accelerate the moral decline even further.

Next, Cicero takes up his own challenge and names a couple of generally approved exemplary men: P. Servilius and Q. Catulus (son of the Catulus just mentioned), as members of the court, and C. Marcellus, M. Lepidus, and M. Antonius. In the discussion of Marcellus and Lepidus, who were predecessors of Verres in Sicily, Cicero makes clear that they do not stand as examples for Verres' conduct, even if they governed the same province, because Marcellus was a model governor, whereas not even Lepidus' crimes were comparable with those of Verres.⁶ Here the first steps of a superstructure on top of the rhetorical base begin to take form in that Cicero in his discussion of these exempla gives indications of what he thought constituted a true exemplum.

The two first criteria to characterize a true exemplum, in Cicero's view, are that the person has *auctoritas* and that he is distinguished by eminent service, as are Servilius and Catulus. Second, Cicero underlines that Catulus followed the intention of the ancestors in putting up a law. Last, Cicero praises Servilius because he refrained from acting differently from his father or his famous uncle Metellus, and so followed exempla from within his own family.⁷ These criteria are open for interpretation. Precisely how does one define *auctoritas*, what kind of services are meant, who decides what the intention of the lawgivers was and why is the example of one's father better than one's own judgement? For Cicero this was all clear: *mos maiorum* dictated the quality of these criteria and the combination of these criteria constituted the truly exemplary man. Read more rhetorically, *mos maiorum* provided the means for Cicero to praise these particular cases, which again indicates that it is the person presenting the exemplum who decides what it comprises. Servilius chose his father and uncle as examples for conduct, which is applauded by Cicero. Such family exempla seem to have carried a special weight connected with the virtue of showing respect for one's ancestors (discussed below). However, Servilius could have chosen others as his examples, and it is this crucial choice which constitutes the next element in Cicero's superstructure.

⁶ Cic. Verr. 2.3.210–13. P. Servilius Vatia Isauricus (cos. 79 BC), Q. Lutatius Catulus (cos. 78 BC), C. Claudius Marcellus (pr. 80 BC), M. Aemilius Lepidus (cos. 78 BC), M. Antonius Creticus (pr. 74). For Servilius' background and role in the case see Lazzeretti (2006) 129–31.

⁷ Cic. Verr. 2.3.210–11. For the question of the letter of law versus intention see Harries (2006) 71, 97–102. See the section 'The importance of *auctoritas*' later in this chapter for more discussion of the relation between *auctoritas* and historical exempla.

In his hypothetical argument with Hortensius/Verres, Cicero argues that Verres chose not only a wrong exemplum for conduct, that is, M. Antonius, but even the worst actions which this exemplum had ever performed.⁸ This indicates the importance of choosing not only the right models but also their right actions. Cicero continues by arguing, with the example of Sacerdos, that one should also pick an exemplum who did the right thing for the right reasons.⁹ Intention plays a role in exemplary behaviour; even if Verres had done the right thing, he should not be lauded if it was a coincidence.

After having shown that Verres cannot take Sacerdos as an exemplum to support his own conduct, Cicero turns to the judges. He reminds them that their verdict can establish two different exempla for the future: first, they can pass on a message to future governors of how much the Roman authorities will accept from governors, in other words, set up a principle for provincial administration, which could function both as a historical exemplum because of its moral judgement and as a legal precedent because it could be used as a precedent in legal argumentation; second, they can set a good example of the fact that senatorial judges cannot be bribed to pass a verdict in someone's favour, establishing a principle for just court rulings and a historical exemplum of uncorrupt judges. This is a return to a point from the first speech against Verres in which Cicero maintains that the acquittal of Verres will have dramatic implications for the Senate's monopoly of the courts.¹⁰ In one ruling they can give a verdict on Verres and on themselves. By raising the awareness that one's actions can constitute a future exemplum, Cicero warns his audience of future implications of present actions. The same applies to Hortensius who, as consul elect, will soon draw lots for his province: does Hortensius' defence of Verres imply that he, as a provincial governor, will act in the same way as Verres did?¹¹ Here, Cicero is warning Hortensius of setting an example, not by action, but by words.

By setting up this fictitious discussion with Hortensius and Verres, Cicero manages to represent Verres as both a uniquely evil person and a symbol of the moral decline experienced by their time. Furthermore, he presents his view of the ways in which historical exempla ought to work. A truly exemplary individual is respected by all, distinguished through his services to the country and his respect for the *maiores*, both the general Roman ones and those within his family. With this image, Cicero shows us that the actions of

⁸ Cic. Verr. 2.3.213.

⁹ Cic. Verr. 2.3.214.

¹⁰ Cic. Verr. 2.3.218–20, 2.3.225. Cf. Verr. 1.47.

¹¹ Cic. Verr. 2.3.222. This argument takes as a premise that a Roman advocate was not necessarily regarded as an objective part in the case, but could be considered to subscribe to views and actions of his client.

exemplary men build on *mos maiorum* and, at the same time, support the ever evolving *mos maiorum* by constituting new exempla themselves.

CREATION OF HISTORICAL EXEMPLA

Historical exempla well established in Roman culture must have been created at a certain point, but what can be used as an exemplum and what makes a historical figure or action into a historical exemplum? The nature of our sources means that a great deal of what we know from republican history is recorded to serve as exempla in one way or another. Indeed, it is difficult to find specific individuals or actions which are just that and not also made into exempla in its broadest sense. Therefore, the following discussion is slightly theoretical, yet still helpful in order to understand the nature of historical exempla as a category.

The reading of Cicero's works show that almost any figure or action can be used as a historical exemplum: men and women of all social classes and backgrounds, private and public actions, traditions and innovations, religious and non-religious practices, thoughts and motivations, as well as actions and achievements can be used. The most dominant historical exempla are, however, figures and actions related to the public life of the Roman elite, which is unsurprising given that our evidence stems from exactly this group. What are not normally used as historical exempla are abstract concepts or qualities such as virtues and vices without a figure embodying these; nor are philosophical ideas usually presented as exempla without a concrete example to illustrate them. Historical exempla are placed in time and space and they therefore necessitate an individual (or group) or an action of such an individual. If not, they move away from *facta* and into *ficta*, a category distinctly separated from historical exempla and often exemplified by fables or allegories.¹²

The second question of what makes a historical figure or action into a historical exemplum is neglected in modern literature, but it is important to consider in connection with Cicero's use of historical exempla as he refers to individuals and events that appear not to have been used as historical exempla before, such as his references to the very recent examples of Pompey, Crassus, and Caesar.¹³ My definition of a historical exemplum as a figure or an action

¹² Cic. *Part. Or.* 40. Cf. Ar. *Rhet.* 2.20.2/93a28–31 with Price (1975) 42–3. For Cicero's use of qualities such as *libertas* and *virtus* in his speeches, see Clark (2007a) 209–20.

¹³ Pompey: Cic. *Fin.* 2.57; *Tusc.* 1.12, 1.86; *Div.* 1.24; *Off.* 1.76, 2.20, 2.60; *Phil.* 5.43–4. Crassus: Cic. *Fin.* 2.57, 3.75; *Tusc.* 1.12, 5.116; *Off.* 1.25, 1.109, 3.73. Caesar: Cic. *Div.* 1.119, 2.23–4, 2.52, 2.99; *Off.* 1.26, 1.43, 2.23–8, 3.83–5.

(or groups of these) in the past referred to as a moral guide leads to the conclusion that such a figure or action in the past *becomes* a historical exemplum only when referred to as such, that is, at the first instance when somebody uses the figure or action as a historical exemplum. Before that, he is simply a figure or it is just an action of the past. Even if a person acted with the intent of being exemplary or of becoming an exemplum, this person or his action would not count as a historical exemplum before being referred to as such. This does not exclude the possibility that the person himself refers to his action as a historical exemplum; it is the mention of somebody or something as exemplary that creates a historical exemplum.

Stemmler in his article on *auctoritas exempli* discusses briefly new exempla (*nova exempla*) but does not define how and when such exempla are created. Taking the passage from Cicero's third *Verrine* speech (discussed above at length) as his starting point, Stemmler argues that the recognition of new exempla as exemplary was dependent on the acceptance of the *populus*, even if only future generations can tell which individuals will be regarded as exemplary. Furthermore, that the *populus* has a collective responsibility for the choice of the individuals whom society will understand as exemplary: the judges presiding in the Verres trial represent the *populus*, and as such these judges are responsible for the creation of new exempla.¹⁴ Stemmler's definition is dependent on the reception of the exemplum in that it was only created when it had become part of the public knowledge, that is, part of the cultural memory. However, the definition of historical exempla employed in this study excludes the element of reception. As a consequence, a historical exemplum can be said to be created when somebody refers to a historical individual or action from the past as exemplary, and the acceptance or rejection of this exemplum by the audience (or *populus* in Stemmler's view) in turn decides the impact and longevity of the exemplum. In other words, the audience does not create but instead confirms or rejects these exempla.

In his article on Horatius Cocles and Cloelia as historical exempla in the ancient sources, Roller implicates an audience as the distinguishing element between an action and the historical exemplum deriving from this action: Roller distinguishes an 'action', which is neutral and simply an action, from a 'deed', which is an action deemed 'consequential for the community, and thereby transform[ed] . . . into a socially and ethically significant "deed," a res gesta' by an audience.¹⁵ In other words, an action is turned into a 'deed' or a historical exemplum when an audience recognizes it as such. The dependence

¹⁴ Stemmler (2000) 190–1, discussing Cic. *Verr.* 2.3.210. This view ties in with Oppermann's (2000) 19 definition of historical exemplum.

¹⁵ Roller (2004) 4–5.

on an audience in the creation of a historical exemplum in Roller's analysis seems, however, related to his historiographical approach, which looks at the ways in which historical exempla are employed as part of a historian's narrative. This approach is different from Stemmler's approach of analysing the use of historical exempla in real life and my approach of analysing Cicero's use of historical and personal exempla in political life. Roller's inclusion of the audience in his historiographical analysis of elaborate historical exempla in specific ancient historians seems helpful and illuminating, but his inclusion of the audience is not crucial for the creation of historical exempla in real life, including political life. Reading Cicero's works as items of historical value is different from reading his and others' works as pieces of literature. Therefore, Roller's approach is not directly helpful for the analysis of Cicero's use of historical exempla when read historically.

It is difficult to find passages in Cicero's works in which he discusses explicitly the creation of historical exempla. Indeed, the authority of exempla lay for a great part in their (perceived) embeddedness in the Roman traditions; if they were presented as newly created exempla they would lose some of that authority. However, in a few passages, Cicero takes up the potential of creating historical exempla for the future. Cicero's discussions suggest that the potential to become an exemplum or set an exemplum for the future may have played a part in the motivations behind actions and choices. Cicero seems to play on such aspirations, or fear of losing status, in his first *Verrine* speech, where he argues: 'This is a trial in which you will be passing verdict on the defendant, but the Roman people will also be passing verdict on you. This case will determine whether it is possible, when a jury consists of senators, for a very guilty but very rich man to be convicted.' (*Hoc est iudicium in quo vos de reo, populus Romanus de vobis iudicabit; in hoc homine statuetur, possitne senatoribus iudicantibus homo nocentissimus pecuniosissimusque damnari.*)¹⁶ Cicero's argument is later repeated in the third speech against Verres, discussed above. Cicero here urges the senatorial judges in Verres' trial to, first, send out a signal that provincial governors acting as did Verres will not be tolerated. In this way, the judges will create a potential negative historical exemplum for future governors and they will create a potential legal precedent for future judges and advocates to cite. Second, Cicero advises the judges to indicate by their verdict that they can live up to their status as senators and judges by condemning a fellow senator for his crimes. By that action they will create a potential historical exemplum for future judges of correct behaviour. All these exempla and precedents are only potential as they are not executed

¹⁶ Cic. *Verr.* 1.47 (transl.: Berry (2006)).

and therefore cannot be referred to as exemplary. Even when executed they are not historical exempla before somebody refers to them as such; the action itself is neutral, even if the person acting is hoping for recognition as exemplary. We do not know whether the jury did serve as an exemplum after the trial, but Cicero's warning to the jury of how their verdict of Verres might impact their own reputation in the future illustrates the ways in which the notion of exemplarity could be utilized as part of a rhetorical strategy. The fact that Cicero returned to this point in his third *Verrine* speech, discussed above, shows the importance Cicero placed on this kind of argumentation.¹⁷

When Cicero argues that the jury should act with the thought of becoming exempla in the future, good or bad, it implies that somebody would impose a moralistic interpretation on the action. In the *Pro Flacco*, Cicero argues the same, albeit with opposite signs. He urges the jury not to convict Flaccus for extortion in his province by making them think of their verdict in terms of setting a precedent for the future: by acquitting Flaccus, the jury can signal how good qualities and excellent service to the state can protect an innocent man accused of unjust crimes.¹⁸ Flaccus might have been guilty but Cicero's rhetoric succeeded in securing Flaccus' acquittal. In both speeches (prosecuting Verres and defending Flaccus), Cicero encourages the judges to think of their verdict as a measure for future actions, both that of themselves and that of other provincial governors, and with a view to creating good precedents and avoiding the creation of bad precedents, or, as I would term them, historical exempla and legal precedents.¹⁹ Both historical exempla and legal precedents played important parts in legal arguments, and often both were termed exempla. Even if Cicero did not distinguish clearly between historical exempla and legal precedents, we must do so in order to understand the difference between a strictly legal point and a moral point supported by references to historical exempla.

It is unsurprisingly in Cicero's forensic speeches that we find these passages on the potential creation of precedents and historical exempla. Exemplarity lies at the heart of the job of a judge or jury member; he has to interpret the laws given by the magistrates and the people, consider the arguments brought

¹⁷ Cic. *Verr.* 2.3.218–20, 2.3.225. Since the reform of the juries from consisting of only senators to a combination of senators, *equites*, and *tribuni aerarii*, the *lex Aurelia*, was inevitable by the time of the trial, Cicero's threat is more a rhetorical than a real one. For this aspect see Mitchell (1979) 137–8.

¹⁸ Cic. *Flac.* 24. Cf. §25 for a similar argument.

¹⁹ For the theory behind practice see Quint. *Inst.* 4.1.16, and with reference to the *Verrines*: 4.1.20, 6.1.13. This was also a familiar topos in Attic oratory as pointed out by Tempest (2006) 45 with references to Lys. 22.17–20; [Dem.] 59.111–13; Aeschin. *In Tim.* 192–3; *In Ctes.* 246–7; Din. 1.107, 3.19–22.

forward by the jurists and advocates, and through his verdict indicate an appropriate interpretation of both law and legal argumentation, including references to legal precedents and historical exempla.²⁰ The judges possess power to steer society and the behaviour of its citizens by setting precedents and in particular by indicating which actions can be deemed good or bad exempla, at least on that particular occasion. Judges can create potential historical exempla by imposing a moral verdict on a past action, which others can take up and refer to as historical exempla. With potential power comes responsibility and Cicero often warns against carelessness, urging judges to consider setting good precedents and to avoid setting bad precedents, by which Cicero refers mainly to legal precedents but places a moral element in these precedents and thereby makes them very close to historical exempla.²¹ Indeed, everybody should be aware that their actions can be taken as exemplary in the future and therefore act cautiously.²²

This view is supported by a passage from Cicero's speech for Pompey's command against Mithridates, the *Pro lege Manilia*, where Cicero's second argument in favour of Pompey's command is that: 'In the case of Gnaeus Pompeius—in which Quintus Catulus opposes any departure from precedent being made—just think how many departures from precedent have already been made with Quintus Catulus' full support!' (*in ipso Cn. Pompeio in quo novi constitui nihil vult Q. Catulus quam multa sint nova summa Q. Catuli voluntate constituta recordamini*).²³ Cicero starts out by arguing that the ancestors created innovations when necessary and he supports this claim with historical exempla. Second, many unprecedented measures have already been allowed in Pompey's case—indeed many more than the collected number of such new measures—and that with the approval of Catulus; it is therefore illogical not to allow this one, too.²⁴ In this argumentation, Cicero does not set Pompey up as a historical exemplum, but he argues that innovation is sometimes necessary and that the act of innovation has precedents too. Previous cases of innovation function here partly as historical exempla because Cicero argues from the moral implication of these innovations, and partly as legal precedents in that Cicero uses

²⁰ Harries (2006) 134–48 discusses the relationship between historical exempla, precedents, and law.

²¹ Cic. *Rosc. Am.* 153; *Clu.* 123; *Cat.* 4.10; *Dom.* 120. Interestingly, Sallust has Caesar and Cato argue against setting a bad precedent in their speeches on the fate of the Catilinarian conspirators: *Sal. Cat.* 51.27 (Caesar), 52.17 (Cato). Even if these speeches were literary products of Sallust, the inclusion of this argument against setting a bad precedent suggests that it was a current and powerful one.

²² Cic. *Dom.* 125; *Verr.* 2.5.87, 2.5.168.

²³ Cic. *Leg. Man.* 60 (transl.: Berry (2006)). Braun (2002) 125–6 places this passage in the wider discussion of the flexibility of the Roman *mos maiorum* and the interpretation thereof.

²⁴ Cic. *Leg. Man.* 59–63.

these previous instances of innovation as a type to be followed. Cicero uses Catulus' former actions as illustration of the fact that such precedents exist (legal precedents) and as historical exempla of Catulus' moral inclination. This argument is meant both to find authority in the precedents and to undermine Catulus' authority. Cicero's mention of many precedents that now ought to be used as exempla underlines the idea that historical exempla are only created when somebody uses them as such. Regardless of whether Catulus intended his approval of previous cases to become exempla, Cicero uses them as such and thereby creates them. This conclusion does not exclude that the creation of exempla can be intended by the person making the initial action referred to later, but it does support the idea that an exemplum is created only when used as such. This passage is therefore not strictly about the creation of historical exempla but about the creation of potential historical exempla. A few paragraphs later, Cicero argues that Pompey's career had prompted many new precedents, all supported by the *nobiles*, and he further suggests that this prompting was in some ways in itself bestowing honour on Pompey; a man is powerful who can be the cause of many hitherto unseen practices from which exempla can be drawn.²⁵

THE CHOICE OF HISTORICAL EXEMPLA

Historical exempla can be used for a variety of functions, but how does one choose an exemplum, let alone an appropriate exemplum? In Greek rhetorical theory, later taken up by the Romans in, for example, Cicero's *De inventione*, *De oratore*, or the anonymous *Rhetorica ad Herennium*, the decision as to the arguments to include in a speech could be determined through the theory of *stasis* or *status*.²⁶ This theory focused on the main question discussed in a speech and provided a very detailed system of classification of all possible arguments and the appropriate way of applying and responding to them. In Cicero's *De inventione*, the use of exemplum falls under the question of fact ('conjunctural'), because by illustration an exemplum can help support the

²⁵ Cic. *Leg. Man.* 62–3. Burnand (2000) 183 comments on this passage: 'Here the argument from tradition is turned on its head: innovation is traditional', which supports the idea of flexibility of historical exempla.

²⁶ Cic. *Inv. rhet.* 1.10–16 with examples throughout the work; *De or.* 2.99–113; *Rhet. Her.* 1–3.16. For discussion of *stasis* theory in general see Kennedy (1994) 97–101; Lausberg (1998) §§ 79–138; May & Wisse (2001) 32–4. For the influence of *stasis* theory on Cicero's *De inventione* and the *Rhetorica ad Herennium* see Adamietz (1960) 16–18, 69–74 and for influence on Cicero's *Pro Cluentio* see Stroh (1975) 194–227, especially 199, 217.

most probable explanation.²⁷ Despite the strong influence of *stasis* theory on Cicero's *De inventione*, Cicero does not explain the implications of *stasis* theory on the choice of appropriate exemplum, in this work or anywhere else. The closest we come to a theoretical discussion of the choice of historical exempla appears in Cicero's *De officiis*.

In his last philosophical work, *De officiis*, Cicero takes up this choice of exempla in private and public life as part of his discussion of the four roles, or personae, in which to perform acts of duty, *officia*.²⁸ Cicero's discussion centres not only on the choice of historical and personal exempla but predominantly on the choice of the most appropriate personal exemplum, building the choice of exempla into a moral framework. The first aspect on which Cicero touches is exempla within families, family exempla, which will be discussed in depth in the following section. Many men have tried to follow in the footsteps of their fathers, with or without success, and some have even managed to surpass the achievements of the ancestors and add extra glory to the family's pride. Cicero does not argue, however, that family exempla must be followed at any price. *Homines novi* are among those not following the example of their ancestors, but Cicero argues that all Romans should make an independent choice of exempla based on moral standards, goals in life, and one's ability to live up to the exempla. The most important thing is to find the right path in life, whether with the help of luck, good character, or good parental advice. When this path has been found and embarked upon, constancy becomes the crucial factor.²⁹

Cicero emphasizes the importance of imitating ancestors, whether genealogical or adopted, but also the care that must be employed in the choice. It is not beneficial to follow an exemplum blindly if this exemplum displays some faults.³⁰ In the choice of exempla, one must look very closely at the potential role models and choose only those traits that are worthy of imitation in a moral sense. It seems an important lesson not just to find a historical figure to imitate but to differentiate between their good and less good traits and actions in order not to follow the less good ones. A far more sophisticated notion of exemplarity arises from this, as Cicero's warning suggests that historical exempla, especially personal exempla, had to be judged on a whole and not just one particular laudable quality or action. References to a historical

²⁷ Cic. *Inv. rhet.* 1.49.

²⁸ Cic. *Off.* 1.115–21. Gill (1988) esp. 181–3 and Dyck (1996) 269–71, 285–7 place this passage in its philosophical context.

²⁹ For the discussion of whether the Romans believed in the constancy of character see Gill (1983); May (1988) 6 and Powell (1989). See Riggsby (2004) on the role of character in Roman forensic oratory.

³⁰ Cf. Cic. *De or.* 2.91 for a similar thought.

exemplum could create a number of associations depending on the reputation of this person. However, such a multifaceted approach to historical figures is not seen often in Cicero's own speeches (with the Gracchi as the most notable exception) nor in his advice on the use of family exempla in the *De inventione* (discussed in the following section on family exempla), and perhaps his warning is directed at the choice of personal exempla, rather than general historical exempla. Cicero emphasizes the importance of choosing the morally right exemplum in order to fulfil one's potential. But the result of making such a right choice is also a display of good judgement and of the follower's own exemplarity for the future.

From this passage, it is clear that Cicero tried to embed the Roman idea of exemplarity in a moral framework designed to secure imitation of morally good (positive) exempla only, and not morally evil (negative) exempla. The contrast between the claims about employment of exempla, historical and family exempla, in legal arguments made in his speeches and the *De inventione*, as opposed to the morally embedded usage advocated in the *De officiis*, seems to stem from a more mature reflection on exemplarity and its role in Roman politics and society in general in the latter work, prompted by experiences from a long career in politics and the more immediate political turmoil after the murder of Caesar; the Roman youth needed advice on how best to navigate in the new political order and how to employ the traditional claim to moral worth—exempla.

Besides this help to private reflection over the right way in life, an appropriately chosen exemplum can influence one's surroundings and advance one's chosen path and career. In another passage of the *De officiis*, Cicero moves from the moral deliberations on a personal level to the public force of imitation of exempla, that is, from the moral framework outlined to the more practical usage of exempla exemplified in his speeches. He argues that young men can further their own career by attaching themselves to famous and wise men. This they accomplish not only by learning from the example of these men, but by publicizing their choice of exemplum so that the qualities of this exemplum can, as it were, rub off on the young man. Cicero gives several examples of this mechanism.³¹ In this way, the choice of exempla will not only determine the following actions but also the way in which these actions are understood by other people. This would imply that young men would, in fact, attempt to choose the best role models available and, perhaps, disregard whether they could live up to this role model, even if Cicero argues against such an endeavour in the passage from the *De officiis* discussed above. In other

³¹ Cic. *Off.* 2.46–7.

words, the dynamics of exemplarity worked against the moral guidelines set up by Cicero.

These passages indicate that for Cicero the appropriate choice of a personal exemplum was an action connected with family but more importantly (and ideally) connected with aims and abilities, and was always set in a moral framework. However, the possibility of borrowing some of the qualities of one's exemplum, even if only in appearance, points to one of the weaknesses in Cicero's framework of choice. If one can bolster one's appearance simply by choosing good exempla, one might also be tempted to choose exempla whom one cannot live up to, which is one of the errors against which Cicero warns. In other words, the Roman pursuit of glory might spur young men to choose the wrong examples or even to deceive others to think that one is living up to certain ancestors. We shall see Cicero accusing Piso Caesoninus of exactly that.³² A further complication emerges when these young men choose only seemingly good exempla who are, in reality, morally bad exempla. It is then a matter of bad judgement not to be able to see behind the facade of the exemplum. The main challenge is to look for truly virtuous actions and not just the result of these actions. L. Licinius Crassus made the decision not to follow any exempla and instead follow his own judgement, making himself self-exemplary.³³

Cicero's discussion in the *De officiis* of historical exempla and the choice of personal exempla, whether family exempla or not, shows that he was acutely aware of the ways in which references to such exempla could be exploited. But Cicero's attempt to accord moral implications to the choice and employment of personal exempla suggests that he saw the misuse of exempla as part of the problem of the failing *res publica*: the historical exempla spurred new generations to glorious deeds, but without the moral deliberations regarding choice and employment, the exempla spurred men to pursue only the results of the glorious deeds, the *laus* and *gloria*, and not the underlying good qualities such as virtue, bravery, and selflessness on behalf of others and the state at large. Cicero was no stranger to the ways in which historical exempla could be used and misused, as his speeches illustrate. Indeed, the speeches immediately following the completion of the *De officiis*, his *Philippic* speeches against Marcus Antonius (excluding the first and the second speeches which were delivered and written respectively before the *De officiis* was written) show the

³² Cic. *Sest.* 21–2 discussed in the section on 'Family exempla'. In his hypothetical argument with Verres in the third *Verrine* speech (Cic. *Verr.* 2.3.213–14), discussed above, Cicero argues that Verres chose the bad model of M. Antonius and even decided to imitate the worst of Antonius' actions.

³³ Cic. *Off.* 2.47.

orator mastering the use (and abuse) of historical exempla to further his own agenda, justified in his own view because he was fighting the morally right course.

But who is to decide whether the choice is appropriate or not? The choice and interpretation of a historical exemplum to support a person or an argument can only be a success if deemed appropriate by the audience. Therefore, anybody choosing historical exempla as models for their own conduct will have to think about the likely views of others. Certainly, Cicero always presents his interpretation as the only right one, but his discussion with other advocates about the right interpretation of a historical exemplum, shows that this could be challenged.³⁴ The issue of choice is indeed relevant for both the person (projecting himself as) imitating a historical exemplum and the orator or author employing a historical exemplum as part of their argument.

The choice is not only relevant when choosing a politician as a historical exemplum. The choice among orators and philosophers is also great and difficult, as Cicero argues in his treatises *Orator* and *Academica*. The choice is often between exempla known for their fame or for their wisdom, but Cicero suggests that fame in itself does not guarantee the quality of the exemplum; men can be both famous and infamous. Furthermore, he argues that the exempla of philosophers are better than those of non-philosophers, but this distinction seems to be a result of the philosophical discussion in the *Academica*.³⁵ The context in which the exemplum is employed is of relevance for the choice. Indeed, in other circumstances, the exemplum of a philosopher is less appropriate, as suggested by Cato's critical discussion of Epicurus in the *De senectute*.³⁶ On the other hand, Cicero seems to argue, here and in the passage from the *De officiis* just discussed, that one should indeed rather look for historical individuals than for philosophical ideals when choosing a path of life. The right exempla will inevitably embody the right moral values.³⁷

But how does one know the exempla and thus the course to follow in life? In the speech *Pro Archia*, Cicero argues that the study of literature, history, and philosophy provides the main sources of historical exempla to follow. Even a brilliant mind and virtuous person can reach only so far without study.³⁸ In the prologue to the *De oratore*, Cicero takes up this point in his advocacy of historical knowledge for the orator: 'Moreover, one must know the whole past with its storehouse of examples and precedents, nor should one fail to master

³⁴ See discussion in the section 'Oratorical and authorial strategies' in this chapter.

³⁵ Cic. *Orat.* 171; *Acad. Pr.* 75.

³⁶ Cic. *Sen.* 43.

³⁷ Cic. *Off.* 1.115–21.

³⁸ Cic. *Arch.* 14–16. Cf. *Fin.* 3.8: through education Lucullus will learn to imitate the good men among his ancestors.

statutes and the civil law.' (*tenenda praeterea est omnis antiquitas exemplorumque vis, neque legum ac iuris civilis scientia negligenda est.*)³⁹ The importance of history for the orator lies in the fact that history is a collection of past actions and individuals, from which the skilful orator can pick out appropriate historical exempla to support his case and thereby add authority, credibility, and aesthetic value to his speech.

Antonius' famous description of history in the *De oratore* underlines the moral-didactic view of history: 'As to history, the witness of the ages, the illuminator of reality, the life force of memory, the teacher of our lives, and the messenger of times gone by, what other voice but the orator's invests it with immortality?' (*Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia, nisi oratoris, immortalitati commendatur?*)⁴⁰ What is more noteworthy, perhaps, is Antonius' end clause which suggests that the orator in particular keeps history alive by his constant references to historical exempla. In other words, the orators are described as being the decisive factor in lending immortality to history and its figures. This is to turn the usefulness of history to the orator around; instead of the orators making use of the persuasiveness of historical exempla, history and memory flourish by the orators' use of it. As such, the choice of historical exempla might exceed the immediate aim of persuasion and even include thoughts about what parts of history should be remembered. A knowledgeable orator helps preserve Roman history and the crucial traditions on which society rested.⁴¹ Whether or not an orator, or anybody else referring to historical exempla, intended to keep alive history, he played an important role in the creation and preservation of history; through his choices he could create new exempla and thereby invent tradition. Because the references to the past which have been transmitted down to us mostly form part of public discourse, they can be said to represent attempts at inventing and reinventing tradition.

Family exempla

Alongside the general, shared tradition, individual families also looked to their own family tradition. One expression of this family tradition was the

³⁹ Cic. *De or.* 1.18 (transl.: May & Wisse (2001)). Cf. Cic. *Orat.* 120 for a similar point.

⁴⁰ Cic. *De or.* 2.36 (transl.: May & Wisse (2001)). For good discussions of this passage and Cicero's view of the connection between history and oratory see Woodman (1988) 70–116; Cape (1997).

⁴¹ For a reading of Cicero's *Brutus* with that particular aim in mind see Gowing (2000) 41, 59. Cicero accords Varro praise for providing the same kind of knowledge of history and *mos maiorum* through his antiquarian works (Cic. *Acad. post.* 9).

expectation that descendants should strive to live up to their ancestors, especially in *nobilis* families. In his long discussion on the choice of exempla in the *De officiis*, Cicero mentioned the possibility of choosing among one's own ancestors.⁴² As seen in the discussion of *nobilis* and *novus* in Chapter 4, Cicero's works strongly imply that *nobiles* had the advantage of famous forefathers whom they could claim to imitate, whereas the ancestors of *homines novi* had no such political appeal. If expedient, *nobiles* could also use exempla outside their family, but the claim to role models within the family had political impact. Cicero even suggests that *nobiles* could be seen to have a duty to follow ancestral exempla within their own *gens* ('clan'), in other words, to follow what I have called 'family exempla'. By family exemplum I mean a reference by a descendant/family member to an ancestor or group of ancestors as models of conduct for himself/herself, or another person's reference to an ancestor or group of ancestors employed as models of conduct for the descendant/family member. A recognized family exemplum is also a personal exemplum, but not all personal exempla are also family exempla. The term family exemplum is neutral to ancestral background, that is, to whether a family was *nobilis* or not. In reality, most such family exempla are employed for members of well-known families who had famous ancestors, the memory of whom could be used as effective tools in public discourse. But by keeping the term neutral to issues of *nobilitas* and *novitas*, it encompasses borderline cases such as Cicero's self-advertisement as a family exemplum to his son as both a *novus* and a *nobilis* (discussed in Chapter 11). In this chapter, a brief discussion of some of the ways in which a family exemplum could be advertised in material culture introduces the broader discussion of family exempla in Roman oratory, illustrated by Cicero.

Physical expressions of family exempla

The material remains of the Roman republic have left expressions of this notion of family exempla, the expectation that descendants live up to a family tradition, and the political exploitation thereof. The epitaphs from the tomb of the Scipios outside Porta Capena in Rome are among some of the earliest examples illustrating this notion.⁴³ A passage in Polybius supports the Scipionic attention to live up to the ancestors and even to embody a certain Scipionic character. In his description of the beginnings of his friendship with Scipio Aemilianus,

⁴² Cic. *Off.* 1.115–21.

⁴³ Scipionic epitaphs: *ILS* 1–10 = *ILLRP* 309–17; for discussion see Coarelli (1972); Flower (1996) 160–80.

Polybius relates that they talked about how Scipio could best live up to his ancestors. Scipio expresses concern that his innate mildness is out of character with the rest of his family, but Polybius assures him that this concern shows his admirable spirit, which we can understand to mean that Scipio's concern proves his recognition of the duty to act in accordance with his family tradition.⁴⁴ A change in the layout of the tomb itself may indicate the public value of such family exempla. It seems that Scipio Aemilianus not only added a new wing to his family tomb, but even furnished it with a monumental façade. This façade is said to have displayed statues of P. Scipio (Africanus the Elder, cos. 205, 194, cens. 199), L. Scipio (Asiagenes, cos. 190) and the poet Q. Ennius (239–169 BC),⁴⁵ and the podium had historical paintings. The significance of this façade must be understood in the context of the otherwise closed tomb; only the family members would enter, and the inscriptions found inside—for example on the sarcophagi—can thus not have been intended for a public audience.⁴⁶ In other words, Aemilianus' addition of a monumental façade to the tomb was a significant attempt to publicize his family. Furthermore, the statues displayed outside seem to underline this attempt by publicizing the most prominent among his ancestors and their favourite poet, thus reminding the spectator of their achievements and the grandeur of the Scipios.⁴⁷ Coarelli dates the façade to the third quarter of the 2nd century BC.⁴⁸ Cicero himself highlights the impression gained from seeing the tombs of Calatinus, the Scipios, the Servilii, and the Metelli outside the Porta Capena, emphasizing the vital role these tombs played for the families as markers of family *dignitas* as well as for other Romans as markers of exemplary men.⁴⁹ In this way, these

⁴⁴ Polyb. 31.24.1–11 with Walbank (1979) *ad loc.* On the issue of Greek versus Roman culture and identity, Polybius' aims with this passage and the possible element of philosophical training see Friedländer (1945); Harder (1960) 336–8; Astin (1967) 19–21, 339; Gruen (1992) 252–5. For discussion of physical expressions of family exempla see Roller (2004) 24–5 with further references; Flower (1996) 64; Treggiari (2003) 139–40.

⁴⁵ Livy 38.56.1–4.

⁴⁶ Flower (1996) 160–1.

⁴⁷ Wallace-Hadrill (2008a) 60–1 points out that the tomb's location at an angle to the road made it less visible to passers-by, yet Cicero (Cic. *Tusc.* 1.13) attests to its visibility and effect on the onlooker. A second point is that Scipio Africanus was not even buried in the tomb but in Liternum, while Ennius may also have been buried elsewhere, namely in his native Rudiae. However, this may not have detracted from the publicity value of these statues, as they were still Scipios and Ennius closely associated with the family. Indeed Wallace-Hadrill (2008a) 77 would characterize this feature of self-representation to the world outside as typical of the late republic, by contrast to the mid-republic and high empire. See also Wallace-Hadrill (2008b) 220–3 for the historical and ideological context of this change in the tomb.

⁴⁸ Coarelli (1972) 62–81.

⁴⁹ Cic. *Tusc.* 1.13. See Cic. *Fin.* 5.1–8; *Leg.* 2.4; *Nat. D.* 1.106 for other discussions of physical markers of excellence. See Cic. *Leg.* 2.56–7 for the burial method of the Scipios, namely inhumation rather than cremation.

tombs provided physical manifestations of family exempla and general historical exempla. Similarly, statues and public buildings erected to honour great actions and achievements carried out on behalf of the state could also be employed to advertise family exempla.⁵⁰ Whilst the erection of statues in public spaces in the city of Rome was rigorously controlled precisely because of the possible political influence, members of the elite nevertheless found ways to promote their ancestors. Temples, arches, basilicas, with adornment and inscriptions honouring a specific action, as well as statues set up in a conspicuous place outside the city walls could be looked upon by subsequent generations as symbols of the exemplary actions of a particular family. Any restoration of such monuments provided a further chance for advertisement.⁵¹

Another medium through which ancestors could be advertised was coinage. Traditionally, the Roman republican coin types were very static and centred around common themes such as the personification of *Roma* or the heads of deities. From the 130s BC, however, the moneyers began to strike coins, most notably *denarii*, with types referring to names, actions, monuments, and achievements of specific ancestors, often in a symbolic manner. In other words, family exempla were now celebrated in state coinage.⁵² It seems that such references to family exempla increased in the latter decades of the late republic.⁵³ The coinage of republican Rome was supervised by the annual *tresviri monetales*, who were responsible for issuing coins and, it seems, for choosing the types of the coins. They were mostly young men of the senatorial upper class and only in the last decades of the republic did *homines novi* enter their ranks. It has been a matter of discussion whether the moneyers were

⁵⁰ General studies of honorary statues in Rome include Lahusen (1983) and Sehlmeier (1999), while Gregory (1994) analyses the reaction to portraits, including statues.

⁵¹ See Hölscher (1984) 12–19 and Flower (1996) 70–9 for good brief overviews.

⁵² The coin recognized by most scholars as the first in this new trend is the denarius issued by Ti. Venturius Gracchus in 137 BC (*RRC* 234). Later examples of this trend are: name of the ancestor (*RRC* 337); portrait (*RRC* 286, 295, 433, 434, 437, 439, 455, 512, 513, 514, 519); action (*RRC* 234, 264, 268, 401, 404, 413, 414?, 415, 417, 419, 421, 426, 427, 428, 429, 433, 439, 513, 514); symbols such as elephant, aqueduct, *triscles* (*RRC* 245, 252, 254, 262, 263, 264, 266, 267, 269, 270, 273, 285, 293, 295, 301, 305, 306, 314, 319, 327, 329, 337, 340, 343, 346, 372, 374, 419, 425, 426, 427, 428, 434, 437, 439, 454, 455, 473, 513); monuments/buildings (*RRC* 242, 243, 291, 337, 346, 416, 417, 419, 425, 429); claim to ancestry from deity or false claim to ancestry (*RRC* 263, 313, 320, 329, 334, 346, 403, 420, 455); pun on family name related to legendary event or figure (*RRC* 293, 322, 344, 404, 420); political issue (*RRC* 374, 415, 417, 421, 433, 473). For a full list of moneyers using ancestral themes see Flower (1996) Appendix C, 333–8. For discussion of this change in iconography see Alföldi (1956) 65–6; *RRC*, 729–30; Hölscher (1982) 270–1; Chantaine (1983) 530–1; Wallace-Hadrill (1986) 74; Howgego (1995) 67; Flower (1996) 79; Meadows & Williams (2001) 37–8.

⁵³ Hollstein (1993) 387–91, who looks at the period 78–50 BC, tabulates a sharp increase in the 60s and 50s BC.

elected or appointed and, if appointed, by whom.⁵⁴ Irrespective of this uncertainty, it seems plausible that, at least from the 130s BC, the moneyers were responsible for the choice of types and thus for the iconography since it referred to their particular ancestors, as attested by their names.⁵⁵

Scholars have argued that the change in iconography in the 130s BC reflects the disintegration of the Roman republic and the exploitation of coinage in campaign for political offices.⁵⁶ More recent scholarship has questioned this connection between iconographic change and the consular elections. Meadows and Williams accept a possible political purpose of the new coin issues, but rather than interpreting them as weapons in an immediate political competition for consular office, they see these coin types as yet another way in which *nobilis* families could accrue glory and honour, which—in the long run—could also help a descendant to obtain a magistracy; we should not talk of ‘propaganda’ but rather of ‘monumentalising’ a particular *gens*, as the Roman elite did not intend to persuade others to adhere to a certain ideology, but rather wanted to remind their audience of the deeds and glory of their family.⁵⁷ This interpretation ties in nicely with the other expressions of family exempla. However, it does not address the timing of this change, the control of these coins once issued, or the competition between coins commemorating different families. The impact of any given coin issue would soon fade into the large number of coins with different types moving around in the empire. The coin iconography would have its greatest effect at the time and place of issue, but even so, the images might still have an impact later and thus continue to commemorate the family of the moneyer.

The representations of ancestors in coinage contain a strong element of exemplarity. When the ancestor is lauded for an achievement while in the service of the state—be it as priest, general, or benefactor—he is presented as an exemplum. First, he stands as an example to all Romans of what one can achieve on behalf of the state: the goodwill of the gods through correct ritual practices, an important victory entailing salvation of Roman citizens, an economic benefit or glory for the state, or the generous donation of a public building to the Roman people at large. All Romans can thus choose to live up to his exemplum. Second, he is an example to his (male) descendants specifically, of what is expected of them if they want to live up to the glory of their

⁵⁴ Pink (1952); Hamilton (1969) 182–3; Wiseman (1971) 148–50; *RRC* 602; Burnett (1977); Mattingly (1982) 9–18. Hollstein (1993) 385–6 shows that the moneyers were typically 25–31 years old.

⁵⁵ Cf. *RRC* 726.

⁵⁶ Alföldi (1956) 71 and 77; Wiseman (1971) 4–5, 148–9, Appendix 6; *RRC* 728; Hölscher (1982) 271; Wallace-Hadrill (1986) 74.

⁵⁷ Meadows & Williams (2001).

ancestor and thereby continue building up the status for which he has worked. Third, he stands as an exemplum to the general public of what his descendants might achieve in their attempt to live up to his exemplum. This ties in with the notion of family traditions and expectations of descendants to live up to such a tradition. Finally, the coin issues also stand for the moneyer's exemplary action of honouring his ancestor. The issue in itself expresses familial *pietas*. In this complex pattern of exemplarity, a moneyer could honour his (claimed) ancestors, accumulate further glory to his *gens* by reminding the audience of the exploits of his ancestors and turn the attention to his own potential. The coinage was an extremely flexible, yet wide-ranging medium for self-advertisement. We shall see in the following section how M. Junius Brutus exploited various means to advertise his ancestry and thereby promote his own political persona.

The widespread advertisement of family exempla in coinage of the late republic shows the validity of such references and their general social currency, supporting the evidence from Cicero's works. The fact that there seems to have been a rise in the number of *homines novi* among the moneyers in the period 90–49 BC further suggests the extent to which coinage was regarded as a valuable means to self-promotion of an aspiring politician.⁵⁸ The timing of the change in iconography to the 130s BC coincides with the restructuring of the Tomb of the Scipios to include an outward-looking façade; maybe these changes reflect a shift in the self-awareness in the elite whereby the members of the leading families suddenly start to publicize and thus politicize their ancestry?⁵⁹ Perhaps, but irrespective of the reasons behind the changes, the increased self-advertisement of family exempla emphasizes the authority and political force of such claims.

Alongside inscriptions, buildings, statues, and coinage, the tradition of funeral processions, funeral speeches, and the display of *imagines* (wax-portraits of deceased *nobiles*) celebrated great achievements within the context of the family. Polybius' famous description of this tradition is concluded by his consideration of the result: that the public display and constant celebration of great men and their successes make their memory immortal, create a heritage for future generations, and, most importantly, inspire young men to similar actions in the hope of glory.⁶⁰ The deceased is presented as a family

⁵⁸ Wiseman (1971) 149.

⁵⁹ I owe this point to Andrew Wallace-Hadrill. See now Wallace-Hadrill (2008a) and (2008b) 220–3 for discussion of the tomb of the Scipios as a marker of change between internal and external functions of Roman upper-class family tombs.

⁶⁰ Polyb. 6.53–4. For discussion of this passage and funeral traditions in political context see Flaig (1995); Flower (1996) 91–158; Timpe (1996) 279–81; Blösel (2000) 37–46; Hölkeskamp (2004a) 188–90. For *imagines* see Flower (1996).

exemplum, adding glory to his *gens*, but he is also a general exemplum for all to adopt and imitate. The tradition of ‘memory sanctions’ (or the anachronistic term *damnatio memoriae*) where the memory of certain family members or even entire families is eradicated, more or less successfully, from public recollection is an illustration from the negative viewpoint of this notion: bad family members are erased from memory in order not to function as family exempla in the future. These sanctions could be put in place by the state, but some families imposed their own sanctions on its members as illustrated by the case of the Claudii who banned the *praenomen* Lucius after two Claudii of that name had been criminals.⁶¹ Family exempla could be expressed (and suppressed) in many ways, which attests to their importance in the political culture of the Roman republic.

Family exempla in oratory

In his discussion of possible arguments used in forensic speeches, Cicero argues in the *De inventione* that references to personal ancestors provided an important part of the argument from the defendant’s character:

He who argues that he should be acquitted ought thus to recall whichever good deeds of his he can and, if possible, to show that these are greater than those offences committed, so that he may appear to have achieved more good than evil; then he ought to display the good deeds of his ancestors if any such can be brought forward; then he ought to show that he acted as he did not out of hatred or cruelty, but out of stupidity or impulse from someone or out of some honourable or probable reason; . . . (107) After that, if facts permit, he may demonstrate that he is kin or friend of great or leading men and display the extent of his goodwill, the nobility of his family and the status of those who wish him acquitted, and show that he has all the other qualities which are attributed to honourable and great characters, with lament and without arrogance, so that he may appear worthy of some honour rather than any punishment; then he ought to refer to others who have had greater mistakes condoned.⁶²

⁶¹ Flower (2006) 58–59 for the Claudii and throughout for memory sanctions, a term coined by Flower.

⁶² Cic. *Inv. rhet.* 2.106–7 (Budé): *Oportebit igitur eum qui sibi ut ignoscatur postulabit commemorare, si qua sua poterit beneficia et, si poterit, ostendere ea maiora esse quam haec quae deliquerit, ut plus ab eo boni quam mali profectum esse uideatur; deinde maiorum suorum beneficia, si qua exstabant, proferre; deinde ostendere non odio neque crudelitate fecisse quod fecerit, sed aut stultitia aut impulsu alicuius aut aliqua honesta aut probabili causa; . . . (107) postea, si facultas erit, se aut consanguineum aut magnis uiris aut primis amicum esse [demonstrabit] et amplitudinem suae uoluntatis, nobilitatem generis, eorum qui se saluum uelint dignitatem ostendere, et cetera ea quae personis ad honestatem et amplitudinem sunt adtributa cum conuestione, sine arrogantia, in se esse [demonstrabit], ut honore potius aliquo, quam ullo*

In the *Rhetorica ad Herennium*, we find a similar discussion of rhetorical strategy based on ancestry, but here recommended for use in laudatory (epideictic) speeches.⁶³ As in the *De inventione*, such arguments support the portrayal of the character of the person involved, whether he is a defendant or the object of praise. What is noteworthy in this passage is the flexible use of ancestry or the lack of ancestry in, on the one hand, prosecution and defence speeches and, on the other hand, laudatory speeches. In other words, in both the *De inventione* and the *Rhetorica ad Herennium*, the use of ancestry and family exempla was an integral part of legal or epideictic argumentation. This confirms the view that ancestry played a crucial part in the Roman understanding of an individual, and that it could form an important part of a forensic speech or a laudation.⁶⁴

Cicero is our greatest source for such employment of family exempla, instances of which will be discussed below, but the evidence of other orators shows that he was not alone in this practice. The tribune C. Gracchus referred to the exemplum of his brother Tiberius.⁶⁵ The historian C. Licinius Macer is said to have referred to his ancestors with pride.⁶⁶ M. Porcius Cato, Cicero's contemporary, argued in his prosecution of Murena that he took his famous and homonymous ancestor, Cato Maior, as his exemplum; a claim which Cicero challenged.⁶⁷ The consul of 57 BC, Q. Caecilius Metellus Nepos, was apparently persuaded to drop his resistance to Cicero's recall from exile by a speech of P. Servilius Vatia (Isauricus, cos. 79), which reminded Nepos of his ancestors and, in particular, the recall of the exiled consular Q. Caecilius

supplicio dignus esse uideatur; deinde ceteros proferre quibus maiora delicta concessa sint. For the argument from character, *ethos*, see Cic. *De or.* 2.182–4 and May (1988).

⁶³ *Rhet. Her.* 3.13–15.

⁶⁴ Cf. Cic. *Fin.* 2.74 where Cicero talks of the custom of referring to one's ancestors and oneself in public speaking; Cic. *Brut.* 281–2, 331 in which Cicero discusses the duty of *nobiles* young men to live up to their ancestors. I do not agree with Flaig (2004) 87–8, who argues that no senator would argue from family exemplum to support his own actions whereas others could impose family exempla on a descendant. This view forms part of a larger argument which maintains that the mode of representation of such exempla should not be confused with the content of the represented, because even if the Roman nobility argued from family exempla there was no class ethos of the Roman 'aristocracy'. However, Cicero's rhetoric from family exempla would not have worked if it did not reflect, at least in part, notions and opinions among his audience. In general, a mode of representation must be in some way connected with the content; if nobody believed in family exempla, arguments from such exempla would have had no force in oratory.

⁶⁵ Schol. Bob. Cic. *Sull.* 26 in Stangl (1964) 81; Plut. *C. Gracch.* 3.

⁶⁶ Livy 7.9.5; see Wiseman (2002) 297.

⁶⁷ Cic. *Mur.* 66. For more discussion of the usage of Cato Maior as family exemplum by Cato Minor and personal exemplum by Cicero, see the sections 'Great Romans as general exempla for all Romans' in Chapter 7 and 'The response of an intellectual' in Chapter 8.

Metellus Numidicus.⁶⁸ Similarly, in the prosecution of T. Annius Milo for the murder of P. Clodius Pulcher in 52 BC, the prosecution advocates used the fact that Clodius was killed on the via Appia to argue that Clodius' distant ancestor, Appius Claudius Caecus, had built the road as a place in which his descendant should enjoy refuge.⁶⁹ The more elaborate exploitation of family exempla by M. Junius Brutus and L. Calpurnius Piso Caesoninus will be discussed below as part of the analysis of Cicero's use of family exempla.

In his speeches, letters, and theoretical works, Cicero often refers to the importance of choosing an exemplum within the family, especially if the family formed part of the nobility.⁷⁰ Cicero's appeal for the imitation of family exempla and his praise or blame of a specific choice formed part of his (alleged) efforts to steer his subject in a specific direction and, in particular, to pass a public judgement on his subject. In this way, Cicero could further his own forensic or political agenda.⁷¹ A representative example of such a family exemplum is Cicero's exhortation of Antonius to follow the good example of his grandfather, the great orator Marcus Antonius (cos. 99 BC) in his first *Philippic* speech: 'Ah, Marcus Antonius, would that you remembered your grandfather! But you have heard me talk of him much and often! Do you think *he* would have wished to live for ever, if that involved licence to keep an armed following and thus be feared by his fellows? No, the life and success he wanted meant parity in freedom, primacy in prestige.' (*Utinam, M. Antoni, avum tuum meminisses! de quo tamen audisti multa ex me eaque saepissime. Putasne illum immortalitatem mereri voluisse, ut propter armorum habendorum licentiam metueretur? Illa erat vita, illa secunda fortuna, libertate esse parem ceteris, principem dignitate.*)⁷² Cicero's exhortation implies the expectation that Antonius follow an ancestral model from within his own family instead of someone outside it. As such, Cicero imposes a family exemplum on

⁶⁸ Cic. *Sest.* 130 with Kaster (2006) *ad loc.* and Flaig (2004) 88.

⁶⁹ Cic. *Mil.* 17; Cicero, in his usual fashion, turns this argument around and expresses incredulity in the fact that Caecus should have built this road as a place in which his descendants might enjoy impunity in their acts of banditry.

⁷⁰ Speeches: Cic. *Verr.* 1.51–2, 2.3.211, 2.4.22, 2.4.56, 2.4.79–80, 2.4.147; *Cat.* 3.10, 4.13; *Mur.* 66; *Sull.* 27; *Flac.* 1, 25; *Red. Sen.* 25; *Har. resp.* 26, 27; *Dom.* 83–4; *Sest.* 126, 130–1; *Vat.* 28; *Pis.* 62; *Cacl.* 33–4 (the famous *prosopopoeia* of Appius Claudius Caecus); *Scaur.* fr. 1.1–4, 45; *Rab. Post.* 2–4; *Deiot.* 28; *Phil.* 1.27, 1.34, 2.14, 2.26–7, 2.42, 2.70, 2.111, 8.13, 11.13, 13.15. In the *Pro Flacco*, family exempla even form the main argument.

Letters: Cic. *Fam.* 1.7.11, 5.17.4–5, 15.2.5–6, 15.7, 16.12.2.

Theoretical works: Cic. *Brut.* 273, 281–2; *Fin.* 3.8; *Off.* 1.115–21. In Cic. *Brut.* 281–2 poor young Brutus did not even have the chance to imitate his glorious ancestors as the dysfunctioning of the *res publica* under Caesar's dictatorship made a traditional political career impossible. See also Gowing (2000) 57.

⁷¹ See van der Blom (forthcoming).

⁷² Cic. *Phil.* 1.34 (transl.: Shackleton Bailey (1986b)). Cf. also *Phil.* 2.42, 2.111.

Antonius, disregarding Antonius' possible wish to employ another model as his personal exemplum or to act without models. With this exhortation, Cicero gives the impression that he hopes to direct Antonius' future course of action, effectively making Antonius responsible for making the crucial choice between good and bad family exempla and for his future reputation. Cicero's more immediate aim with this exhortation was to put Antonius in a bad light; Antonius would have found it difficult to ignore the use of his famous grandfather against him.⁷³ Antonius did not follow Cicero's exhortation, but that does not mean that he did not recognize the rhetorical and political power of family exempla.

A further instance of family exempla employed against Antonius comes in Cicero's second *Philippic* speech. Here, Cicero censures Antonius for, supposedly, taking up the example of his stepfather, P. Cornelius Lentulus Sura, who had been executed as one of the Catilinarian conspirators, instead of taking the good example of his uncle, L. Caesar, who had argued against the conspirators.⁷⁴ Cicero's claim forms part of his reply to Antonius' attack on Cicero's consulship. By pointing out that Antonius' uncle, L. Caesar, supported Cicero's consular actions against the Catilinarian conspirators, including Antonius' stepfather, Cicero suggests that by attacking his consulship, Antonius is aligning himself with his executed stepfather rather than with his praiseworthy uncle. This passage illustrates how supposedly competing family exempla could be exploited in oratory.⁷⁵ In this particular case, the question is further complicated by the choice between a good blood relation and a bad relation by marriage. This choice touches on a claim to certain family characteristics, which will be discussed below. Whether Antonius felt a duty to follow his grandfather or indeed his stepfather is unclear; it seems highly unlikely that he ever claimed to follow the example of his unfortunate stepfather. But Cicero's repeated references to this obligation, as well as his exhortations to other *nobiles* to follow ancestral exempla suggest that there was socio-political force in references to family exempla in principle, which Cicero exploited for his rhetorical argument. If not, Cicero's argument would have been ridiculous and futile. Indeed, the cases of others referring to family exempla, discussed above, confirm the credibility of this kind of argument.

⁷³ Indeed, the later 'memory sanctions' against Antonius included erasures of his grandfather's name in an inscription from Corinth (*ILLRP* 342 with Broughton (1946) and Dow (1951)) as well as in the *fasti*, show that the grandfather's example was regarded as important for Antonius and his memory by others, too. See Flower (2006) 116–21 for discussion.

⁷⁴ Cic. *Phil.* 2.14. L. Julius Caesar (cos. 64) was the brother of Marcus Antonius' mother Julia.

⁷⁵ Cf. Cic. *Cat.* 4.13 in which Cicero praises L. Caesar for evading the bad exemplum of his ancestors and censures Lentulus for not following the good exemplum of his ancestor at the same occasion. See also Cic. *Deiot.* 28; *Sest.* 126 for similar criticisms.

The fluidity in choice highlighted by Cicero's various references to Antonius' possible family exempla suggests that claims to imitation of family exempla will have been fluid too.

The Junii Bruti clearly saw political mileage in exploiting this notion of family exempla. In his *Philippic* speeches, Cicero praises Marcus and Decimus Junius Brutus for following their remote ancestor, L. Brutus, in freeing the republic from a tyrant (this family connection was later disputed, see below).⁷⁶ By praising the Bruti for behaving like true members of their family, Cicero could further contrast with what he saw as Antonius' neglect of family exempla. Interestingly, M. Brutus had already made the connection with his distant ancestor as well as to C. Servilius Ahala, the tyrannicide of 439 BC and Brutus' distant ancestor through his mother's family and his own adoption into the Servilian gens. This connection was made into a public statement by his coinage in an explicit reference to the shared cultural memory of the Romans.⁷⁷ The dating of his coinage is disputed, but all scholars agree that it was issued before the murder of Caesar, perhaps in response to Pompey's (future) sole consulship in 52 BC.⁷⁸ Indeed, Cicero had already from 59 BC linked Brutus to his ancestor.⁷⁹ Further evidence illustrates that Brutus himself wanted to be associated with L. Brutus and Ahala: Brutus had Cicero's good friend Atticus draw up a family tree for the Junii Brutii, starting from the first ancestor. L. Junius Brutus, the liberator of the republic, must have been included in this tree.⁸⁰ Later historians questioned the family connection, especially on the grounds that L. Brutus was a patrician and the later Bruti were plebeian. This suggests that contemporary politicians, too, could have

⁷⁶ Cic. *Phil.* 1.13, 2.26–7, 2.114, 3.8–11, 4.7–8, 6.8–9, 7.11, 10.14, 10.25. See Bücher (2006) 315–16 for a short discussion, and Clark (2007a) 149–53 for the personification of *libertas* in Brutus' coinage.

⁷⁷ *RRC* 433/1–2.

⁷⁸ Sydenham (1952) 150; Alföldi (1956) 77; Bieber (1973) 878; *RRC* 433 with vol. I, 82–8; Hollstein (1993) 340–5; Flower (1996) 335.

⁷⁹ Cic. *Att.* 2.24.2–3. Cicero reports that Vettius reported that a certain consular (i.e. Cicero) had said that now a Servilius Ahala or a Brutus was needed (i.e. to fight the tyranny of the three dynasts), but also that the name of M. Brutus ('Caepio') had been left out of the list of conspirators at the last minute. In this convoluted way, Cicero makes clear his wish for a Brutus to imitate his ancestor. Cic. *De or.* 2.225–6 mentions how the orator Crassus connected an earlier M. Junius Brutus (*RE* 50, contemporary of C. Sempronius Gracchus) with L. Brutus and referred to the possible impact of *imagines* on his behaviour. This could be seen as a parallel case of family exempla, and one with specific relevance for the public image of the Junii Bruti as descendants and heirs of L. Brutus.

⁸⁰ Cic. *Brut.* 331; *Att.* 13.40.1; *Phil.* 2.26; *Plut. Brut.* 1, 9; *Nep. Att.* 18.3. See also the later historical narratives Dio Cass. 44.12; *App. B Civ.* 2.112. This evidence shows that the descent of M. and D. Brutus from L. Brutus committed them to this particular political stance was widespread an idea in antiquity.

questioned Brutus' claimed ancestry, underlining the political nature of such claims and the fact that they were always open to challenge.⁸¹

Brutus had a political reason for publicizing his ancestry, or perhaps better, his choice of family exemplum. When he issued these coins he was not yet a tyrannicide, although he would use the portrait of L. Brutus also after the murder of Caesar.⁸² Therefore, his references to the tyrannicides could be understood as a commemoration of the acts of his ancestors as well as a warning to aspiring tyrants, including Caesar and Pompey: Brutus will stand on the shoulders of his ancestors and fight any tyrant of Rome. Here we see a visual expression of the notion of family exempla emerging from literary sources, complemented by the visual representations in coinage and painted family tree. The ancestor's intolerance of tyrants could be claimed by the descendant as a family tradition and almost a character trait irrespective of the number of generations in between them. Furthermore, Brutus' commemoration and warning also displays the promise that he will live up to the deeds of his ancestors and in his revival of their deeds he will both show ancestral *pietas* and help save Rome from tyrants. Brutus' references to his ancestors illustrate the ways in which family exempla could be employed in various media and his choice of exempla shows that references to family exempla had political force.

A fundamental aspect of the way in which family exempla functioned was the claim to certain character traits being passed down in families, and therefore that descendants could be expected to live up to a family reputation and a family name. We have already seen Scipio Aemilianus' concern over his mild character being at odds with the character of his ancestors. The notorious arrogance of the Claudii depicted by Tacitus, Suetonius, and throughout in Livy and Dionysius, the people-friendly image of the Valerii played upon by Cicero, or the cruelty of the Pisones further exemplify this claim.⁸³ Both the Claudii and the Pisones are negative instances which suggest that these family

⁸¹ Plut. *Brut.* 1; Dio Cass. 44.12; Dion. Hal. 5.18.1. See REL. Iunius Brutus (no. 46a in Suppl. 5) 356–69; Kidd (1988) 893–6; Welwei (2001); Walter (2003) 272–4; Manuwald (2007) vol. 2, 350–1 (comment to Cic. *Phil.* 3.8–12). For a discussion of the use of the past, including *imagines*, in Brutus' case see Lentano (2008).

⁸² RRC 506 (43–42 BC).

⁸³ Claudii: Tac. *Ann.* 1.4.3; Suet. *Tib.* 2.4. Valerii: Cic. *Flac.* 1, 25 with Volkmann RE 'Valerius', 2294–6. Pisones: evidence collected and discussed in Cooley (1998) 203–5. For a similar argument see Wiseman (1979) 57–139 (review: Cornell (1982) 203–6); Syme (1986) 367–9; Corbeil (1996) 74–8; Griffin (2001) 87; Treggiari (2003) 152 with note 31. Cooley (1998) discusses other expressions of the ethos surrounding family exempla and the duty to live up to one's ancestors. Bannon (1997) 62–90 analyses the Roman expectation and exploitation of brotherly *pietas* as resulting partly from a notion of family identity being passed down. Smith (2006) 32–50 discusses the evidence for legendary and historical genealogies.

characteristics reflect the slurs of opponents and therefore are highly rhetorical constructions. The fact that these family stereotypes stuck illustrates the effectiveness of such claims, perhaps in particular the claims to negative characteristics.⁸⁴

Cicero utilizes this claim to family character in a passage from the fourth *Verrine* speech, where he gives an account of L. Piso and his innate parsimony. Piso's display of extreme *moderatio* should be excused, says Cicero, because Piso was the son of Piso Frugi, the frugal.⁸⁵ In this way, Cicero explains Piso's behaviour as a consequence of his family background, playing on a connection between *cognomen* and character. Piso himself may, in fact, have played on the connotations of his inherited *cognomen*, having been mindful of his public appearance and with it his duty to take up the exemplum of his father in order to be seen to continue the family tradition. In this way, both the orator and the descendant himself could exploit this claim to certain family traditions to create a certain image.

The expectation of living up to family traditions lay implicitly behind all Cicero's other references to family exempla, whether employed positively or negatively; genuine descendants should live up to their ancestors, while degenerated descendants will abandon the virtues of their ancestors. Cicero praised Metellus Nepos (cos. 57 BC) as a 'true Metellus' (*vere Metellus*) in his decision to drop his obstruction of Cicero's recall from exile, prompted by references to the recall of his ancestor Q. Caecilius Metellus Numidicus. Cicero had years before described Metellus Numidicus himself as a 'true Metellus' (*verum et germanus Metellus*).⁸⁶ Alternatively, the orator could claim that by living up to their ancestors, the descendants show themselves as genuine, while failure to do so discloses them as false descendants. The claim could go both ways, depending on the particular rhetorical point sought.

In the *Pro Sestio*, Cicero returns to the Pisones. He censures L. Calpurnius Piso Caesoninus' attempt to attach himself to the Frugi-branch of the Piso clan so as to earn credibility and election to the consulship. It appears from Cicero's

⁸⁴ Cf. the parallel case discussed by Corbeill (1996) 58–68 of *cognomina* among which the pejorative names were most popular and long-lasting; furthermore, the originally negative meanings of *cognomina* did not deter families who used them later with pride because such *cognomina* expressed familial status and were therefore effective weapons in the political competition between prominent families.

⁸⁵ Cic. *Verr.* 2.4.56. See also *Pis.* 62; *Font.* 39; *Flac.* fragm. Bob. x. Further examples in Cicero's philosophical works: Cic. *Tusc.* 3.16; *Fin.* 2.90; *Off.* 1.116. See Corbeill (1996) 79 for a discussion of this passage, and Treggiari (2007) 42 on the meanings of *frugi*: 'The word is untranslatable, but was applied, not exclusively, to well-behaved, useful, sober, thrifty, and profitable slaves.'

⁸⁶ Cic. *Sest.* 130; *Verr.* 2.4.147. See also Treggiari (2003) 153 and Treggiari (2007) 62 who suggests that Cicero saw such an inheritance of his character in his daughter Tullia. For the term *germanus* signifying true family identity see Bannon (1997) 69–71.

attack that Piso deliberately appeared solemn, taciturn, and crude so as to seem to embody the virtue of frugality which was thought to be a characteristic of the Piones of the Frugi-branch (*ut ingenerata familiae frugalitas videretur*). Piso, in other words, tried to play on a public notion regarding the character of the family. However, Cicero continues, he saw through Piso's pretence and recognized wickedness and cruelty instead of parsimony in Piso, in spite of Piso's attempt to disguise his true character.⁸⁷ Cicero argues that Piso succeeded in deceiving his audience because his *nobilitas* made him favoured by all and because he assumed a persona fitting for his alleged *cognomen*.⁸⁸

Cicero's argument about Piso's play on the meaning of this *cognomen* illustrates the ways in which both a descendant and an orator could take advantage of claims to family characteristics, thereby suggesting the degree of credibility which attached to claims of this kind. Furthermore, it shows how family exemplarity could be underlined further by the inheritance of a name. Cicero's criticism may have undermined Piso Caesoninus' claim to frugality and claimed ancestral virtue, but it did not undermine the general credibility in claims to family characteristics; rather, it supported it by emphasizing that Piso was a false Frugi and almost a false Piso in his attempt to mislead the audience and thereby disregard the honour of his family name. Cicero's argument is tailored to the situation; had he defended Piso, he would probably have referred to the *cognomen* as an indication of Piso's virtuous nature and character. This instance is a clear case of a *nobilis* playing the game of claiming family exempla in order to earn political credit. Cicero's counterclaim illustrates that such claims could and would be challenged; these arguments from family exempla are all rhetorical constructions, but powerful ones which could help persuade an audience. The fact that Cicero was a *homo novus* did not make his attack less forceful, rather, it played into the ideology of the *homines novi* which propounded that the *nobiles* are corrupted (as Piso's false claim to ancestral exempla shows) and the *homines novi* are the true upholders of past virtues (as Cicero's disclosure of Piso's pretence illustrates) and therefore in the best position to take public office or advise the audience on proper moral conduct.

The question remains whether family exemplarity worked as a kind of inborn intuition or as something learnt from family traditions and boosted

⁸⁷ Cic. *Sest.* 21–2. See Corbeill (1996) 170–1 for further discussion. See also Cic. *Pis.* fr. 8 with Nisbet (1961) *ad loc.*: 'The point seems to be that the name "Piso", because of its associations with "Frugi", has itself an air of *frugalitas*.' Cicero's argument deceived Asconius (2C) to believe that L. Calpurnius Piso Caesoninus descended from L. Calpurnius Piso Frugi (cos. 133), but not Syme (1960) 12–13 who has shown that Piso Caesoninus did not descend from Piso Frugi. For Piso's self-representation see Griffin (2001) 88–92.

⁸⁸ Cf. Cic. *Pis.* 62, which plays on the same connection between name and character. See also Cic. *Font.* 41; *Lig.* 12, 20 for similar arguments from *nobilitas*.

by expectations within and outside the family, that is, heredity versus environment.⁸⁹ A passage from Cicero's speech in defence of Rabirius Postumus, the *Pro Rabirio Postumo*, touches on this question:

... especially, gentlemen of the jury, since nature has virtually decreed to the human race that if a family has achieved some particular distinction, that generally is the one which its scions pursue with passion, because the virtues of earlier generations are constantly invoked in people's conversations and recollections. For example, not only did the sons Scipio and Maximus in their military prowess imitate Paulus, but also in his act of *devotio* and the manner of his death the son of P. Decius emulated his father. (3) Therefore, gentlemen of the jury, let small examples echo those great ones. For, when I was young, Postumus' father C. Curtius was a most valiant leader of the equestrian order and an eminent *publicanus*... (4) The son of his, although he had never set eyes on his father, with nature as his guide, which is the most powerful of influences, and by the constant recollections of the members of his household, was yet led to mould himself in his father's ways... Need I say more? In both his sagacity and munificence he had conformed to his father's life and practices.⁹⁰

Here Cicero argues, through historical exempla, that the desire of descendants of famous ancestors to emulate family exempla is one nurtured through upbringing and family tradition. Interestingly, Scipio Africanus and Fabius Maximus are presented as emulating the example of their biological father, Aemilius Paulus, and not that of their respective adoptive fathers, hinting at the relevance of blood relations as opposed to adopted relations for the use of family exempla.⁹¹ In his last exemplum, however, Rabirius Postumus' desire to live up to the example of his late father is presented as a result of both nature

⁸⁹ For further discussion of these aspects see Treggiari (2003) esp. 152–63.

⁹⁰ Cic. *Rab. Post.* 2–4 (transl.: Siani-Davies (2001)): ... *praesertim, iudices, cum sit hoc generi hominum prope natura datum ut, si qua in familia laus aliqua forte floruerit, hanc fere qui sint eius stirpis, quod sermone hominum ac memoria patrum virtutes celebrantur, cupidissime persequantur, si quidem non modo in gloria rei militaris Paulum Scipio ac Maximus filii, sed etiam in devotione vitae et in ipso genere mortis imitatus est P. Decium filius. Sint igitur similia, iudices, parva magnis.* (3) *Fuit enim pueris nobis huius pater, C. Curtius, princeps ordinis equestris, fortissimus et maximus publicanus*... (4) *Hoc ille natus, quamquam patrem suum numquam viderat, tamen et natura ipsa duce, quae plurimum valet, et adsiduis domesticorum sermonibus in paternae disciplinae similitudinem deductus est... Quid multa? cum magnitudine animi, tum liberalitate vitam patris et consuetudinum expresserat.* Siani-Davies (2001) 119 also understands *natura* as inherited character traits and stresses the importance of the rhetorical argument of character and virtues inherited from ancestors in Cicero's speeches. The 'si' in the first sentence is not italicized, following the OCT edition. Cf. Cic. *Off.* 1.116 where Cicero expands the argument that descendants of famous ancestors generally try to excel in the same fields as their ancestors, exemplified by the excellence of the Mucii Scaevolae in civil law, Paulus Maximus' biological son Scipio Aemilianus in military matters and the Greek example of Conon and his son Timotheus, who excelled his father in military matters and intellectual talents.

⁹¹ Since modern editors disagree on their reading of *Maximus* we should perhaps not make too much of this list of names; see Klodt (1992) 95.

(*natura ipsa duce*) and nurture (*adsiduis domesticorum sermonibus*). Cicero's aim with this passage is to convince the jury that Postumus acted in good faith when he supported the Egyptian king Ptolemy and simply did as every Roman would do, namely, try to follow in the footsteps of his father who had done similar deals as a rich and influential businessman. For that argument to work, Cicero employs the notion of family exempla as based on both inherited and taught characteristics, thereby stretching the expectation of descendants to take up the example of their ancestors to an almost biological imperative.⁹² Whether his audience believed in the latter, or simply accepted Cicero's claim because it fitted with the social expectation, is uncertain. However, Cicero must have thought credible his overall claim that it is unavoidable to follow a family exemplum because you must be seen to follow the praiseworthy ancestors in your family, otherwise he would not have utilized it.

Cicero's employment of arguments from family exemplarity was closely linked to the rhetorical and political situation in which he spoke or wrote. Piso Frugi and Rabirius Postumus are praised for living up to their father's example, while Piso Caesoninus is blamed for exploiting a misunderstanding regarding his ancestry; both arguments are employed to support a more general point in Cicero's presentation. Cicero was certainly very skilled in picking the angle most appropriate for his rhetorical strategy and the circumstances, and shaping his argument with the help of this powerful reference to family exempla. Cicero's oratory illustrates the flexibility with which such family exempla could be utilized and the social and political force of such rhetorical arguments.

The choice of historical and family exempla was a complex one, which could reveal not only the intended message, but also more hidden aspirations and agendas of the follower or the orator employing these exempla. The context in which these exempla are chosen and promoted is therefore of crucial importance for understanding the direct as well as the underlying purposes of these exempla. As a *homo novus* Cicero could not bolster his own case with family exempla, he could only defend the attacks on his lack of ancestry with references to his personal merits.⁹³ But he knew well the ways in

⁹² This biological aspect may be seen in connection with the thought that physical resemblance is not only inherited but also reflects character: Cic. *Rosc. Com.* 20; *Leg.* 1.27; *Tusc.* 1.81 and Corbeill (1996) 14–56. Indeed, Suetonius' physical sketches are based on the assumption that looks reflect character: Suet. *Aug.* 79; *Tib.* 68; *Calig.* 50; *Claud.* 2–3; *Ner.* 51; *Vesp.* 20; *Tit.* 3. See also Barton (1994) 95–131. A physical resemblance between family members, especially over generations, could also be exploited; ancestor masks, portrait busts, and even coin images of ancestors could contribute to underline or even exaggerate physical resemblance and then resemblance in character too. For discussion of ancient philosophical thoughts on the relation between physiognomy and character see Boys-Stones (2007).

⁹³ As discussed in Chapter 4.

which to take advantage of the notion of following ancestral models and, in particular, take advantage of the expectations of *nobiles* to live up to a family tradition. This he did by eulogizing some *nobiles* for following the right family exempla and hurling invectives at others who did not live up to their personal ancestors. Cicero combined his play on the fluidity of terminology of *nobilitas* and *novitas*, discussed in Chapter 4, with an exploitation of the general expectation of appropriate behaviour and ability of both categories: *nobiles* living up to their ancestors and *homines novi* projecting themselves as truly virtuous. A *homo novus* was, by definition, free from attacks on his choice of family exempla; this was a great advantage in an oratorical culture, which embraced personal attacks as an entirely appropriate form of argument.

THE PROBLEM OF CREDIBILITY

The orator or author had a wide range of historical exempla to choose from, but he faced a major challenge in his choice and presentation of exempla which could make him seem a credible politician, advocate, or author and help convince his audience. Part of the challenge consisted in the changeable nature of the audience addressed, for which the orator or author had to make constant adjustments.⁹⁴ This section analyses the flexibility of historical exempla, including stock exempla, the historical knowledge of the audience, the various strategies adopted by Cicero as orator and author, and the importance of *auctoritas*, in order to assess the problems of credibility and persuasion faced by an orator or author employing historical exempla.

The flexibility of exempla: the example of the Gracchi

Specific historical exempla are used with great variety in Cicero's works. The most notorious example of this variation is Cicero's references to the Gracchi.⁹⁵ In a number of speeches, the Gracchi are depicted as revolutionaries

⁹⁴ In a letter to Trebonius from 46 BC (Cic. *Fam.* 15.21.4), Cicero argues that one writes differently when expecting the letters to be circulated to a wider audience. This is a kind of excuse or explanation for a previous letter which, according to himself, he had not wished to be widely disseminated. This passage is a very clear expression of the thought that every letter, and probably also every kind of work, is adapted to suit the expected audience. Walter (2004) 66–7 emphasizes that the credibility and impact of historical exempla was dependent on the context, drawing forward Cicero's uses of Hannibal and the Gracchi as examples.

⁹⁵ For general studies of Cicero's evaluation of the Gracchi see Béranger (1972); Gaillard (1975).

who tried to undermine the existence of the *res publica*.⁹⁶ However, a rather different image of the two brothers is given in the second speech of *De lege agraria* of 63 BC and in the *Pro Rabirio perduellionis reo* of the same year.⁹⁷ Here the Gracchi are represented as illustrious men and true friends of the Roman people. This change in representation is due, partly, to the classical rhetorical device of accusing the opponent of being the worst in all history, that is, Cicero's opponents Rullus and Labienus are even worse than the Gracchi. Another reason for this change lies almost certainly in the fact that these two speeches were delivered in front of a popular assembly. Cicero's positive references to the Gracchi can be explained as his conscious attempt to please his audience, which is likely to have subscribed to the tradition of the Gracchi as protectors of the interests of the people, rather than rebellious tribunes putting the state at risk through their agitation of the people and their neglect of senatorial authority. This idea is supported by the fact that the only reference to the Gracchi in the first speech *De lege agraria*, given to the Senate, exposes a negative view.⁹⁸

Outside the speeches, Cicero is more consistent in his interpretations of the brothers Gracchi. Mostly they are depicted as revolutionaries intent on destroying the *res publica*. This is a view expressed in Cicero's early rhetorical treatise, the *De inventione*, and in his more mature works such as the *De republica*, *De legibus*, *De finibus*, and *Tusculanae disputationes*.⁹⁹ However, even if Cicero does not praise the Gracchi in his treatises, his viewpoint is less black and white in that he allows for some positive qualities in the brothers. In the *De oratore*, he has Scaevola argue that the brothers were extremely talented and accomplished speakers (*homines eloquentissimi*) who, however, misused their oratorical skills by damaging the state that they were supposed to support with their eloquence.¹⁰⁰ This point is put forward again in Cicero's later rhetorical work, the *Brutus*.¹⁰¹ The negative view of the aims of the Gracchi is combined with an honest appreciation of their oratorical talents.

⁹⁶ Cic. *Leg. agr.* 1.21; *Cat.* 1.3–4, 4.4; *Har. resp.* 41, 43; *Prov. cons.* 18; *Phil.* 8.13.

⁹⁷ Cic. *Leg. agr.* 2.10, 2.31; *Rab. perd.* 12–15.

⁹⁸ Cic. *Leg. agr.* 1.21. See Gaillard (1975) 500–1; Thompson (1978) 86–8; Robinson (1994) (shorter version of Robinson (1986) 41–82). Thompson's study of Cicero's parallel speeches in general emphasizes the adaptation of rhetorical techniques, and in particular adaptation of historical exempla, according to audience. See Bücher (2006) 228–57 for a similar analysis.

⁹⁹ Cic. *Inv. rhet.* 1.91; *Rep.* 3.41; *Leg.* 3.20–2; *Fin.* 4.65; *Tusc.* 3.48 (with the bitter remark that C. Gracchus' own speeches gave the impression that he was a protector, not a squanderer, of the public treasury. This suggests the quality of Gracchus' oratory).

¹⁰⁰ Cic. *De or.* 1.38. Dench (2005) 326 thinks that Scaevola's comment was ironic and echoing the mixed tradition of the brothers. However, the comment could also be understood, simply, to reflect these two traditions without any irony intended.

¹⁰¹ Cic. *Brut.* 103–4, 125–6 with Steel (2003) 203–4.

However, Scaevola's point is that the exemplum of the Gracchi illustrates that the ideal orator must not only be eloquent but also possess morality and feel the duty to serve his country well; a point reiterated in Cicero's works.¹⁰²

The Gracchi are discussed several times by the interlocutors in the *De oratore*, and besides Scaevola, Crassus is made to pass judgement on the brothers. One of the points in Crassus' criticism of the Gracchi was that C. Gracchus not only misused his great talent and skills for speaking, but he also set up an exemplum which was followed by the subsequent generations, a fact which Crassus lamented.¹⁰³ In this way, Gracchus' misdeed is a double one. The same fear of the impact of the bad exemplum of a Gracchus, this time Tiberius, is expressed by Laelius in the *De republica*. He even fears for the survival of the *res publica* if future generations take up the exemplum of Tiberius and thereby act against *mos maiorum*.¹⁰⁴ This sentiment illustrates how narrow the dividing line is between a moral exemplum and the role of exempla in the very functioning of state and law. In the *De amicitia*, Laelius is even made to prophesy that Tiberius' actions will be taken up as an exemplum by his younger brother Gaius who will lead the country into revolution and ruin.¹⁰⁵ Given the dramatic date of the *De amicitia* in 129 BC, that is, before the actions of Gaius Gracchus had taken place, the prophetic comments of Laelius must reflect Cicero's opinion.¹⁰⁶ Indeed, the discussion of interlocutors in Part III will analyse how Cicero at times utilizes interlocutors to convey his own opinion. Here, Laelius' figure is employed to lend weight to Cicero's argument, and Cicero's choice of Laelius seems no coincidence. Besides Laelius' contemporaneity with the Gracchi, he was also known to have an important intellectual capacity with a conservative political outlook (as discussed in Chapter 8).

The main point of Gracchus' negative exemplarity was more relevant for Cicero's age. It is clear from Cicero's works that the Gracchi had become stock exempla of what happened to revolutionary tribunes, whether they were regarded as villains or heroes.¹⁰⁷ What Scaevola, Crassus, Laelius, and many conservative senators regarded as the negative exemplum of a revolutionary plebeian tribune, such as the brothers Gracchi, could be presented by

¹⁰² For a similar point see Cic. *De or.* 2.106 (Antonius), 3.225–6 (Crassus); *Inv. rhet.* 1.5. See the discussion of the historical background of Scaevola's argumentation, the disagreement between Greek philosophers and rhetoricians, in Leeman *et al.* (1981) 113–16. Wisse discusses this issue in May & Wisse (2001) 25, Wisse (2002a) 361–4, and Wisse (2002b) 389–96.

¹⁰³ Cic. *De or.* 3.225–6.

¹⁰⁴ Cic. *Rep.* 3.41.

¹⁰⁵ Cic. *Amic.* 38–40.

¹⁰⁶ *Contra*: Burton (2007) 20–1 who argues that Laelius' forecast need not be anachronistic.

¹⁰⁷ In addition to the passages mentioned above see Cic. *Off.* 2.43.

popularis politicians as a positive exemplum of a tribune working for the interests of the people—a dichotomy in interpretation at the very heart of the debate between *optimates* and *populares*. These different views of the Gracchi exploited by the *populares* and the *optimates* respectively, as well as Cicero's different uses of the Gracchi, suggest the existence of different traditions concerning the Gracchi and their actions.¹⁰⁸ Evidence from the rhetorical treatise *Rhetorica ad Herennium* supports this view. As in the contemporary *De inventione*, two opposite representations of the Gracchi are put forward in *Rhetorica ad Herennium*.¹⁰⁹

This illustrates, first, that there were two parallel and contrasting traditions about the brothers—probably politically motivated.¹¹⁰ Second, this illustrates the degree of flexibility in the use of historical exempla, not only in speeches but also in theoretical treatises. A skilled orator and author knew when to employ which tradition, according to his audience and the situation.¹¹¹ A further implication illustrated by the flexible use of references to the Gracchi is that Cicero (and others) were looking not for qualities (virtues or vices) as abstract illustrations for the point in case, but indeed for actual human beings and their actions to demonstrate and support the argument put forward.

The Gracchi are often taken together to exemplify the same radical opposition to the Senate's opinion and the same disregard of the traditional way of doing politics. On those occasions where Cicero takes up the example of one of the brothers only, he generally has a particular point to make regarding the specific details of the individual case rather than a generalized point on

¹⁰⁸ Dench (2005) 326 argues the existence of a 'mixed reception of traditions on the brothers, with one foot in the "traditional" austerity of the middle Republic, and one in the self-consciously sophisticated "modern" history of Rome'. See Flower (2006) 76–81 for the first seeds of this dual tradition of the Gracchi, and Wiseman (2009) 177–89 for the political implications of the two traditions.

¹⁰⁹ For the *De inventione*, contrast *Inv. rhet.* 1.5 (positive) with 1.48 and 1.91 (negative). *Rhet. Her.* 4.7 (positive, the Gracchi as great orators), 4.31 (positive, the Gracchi as true patriots and statesmen), 4.68 (positive, Ti. Gracchus as great politician), 4.38 (negative), 4.42 (balanced). For the issue of dating of *Rhet. Her.* see Corbeill (2002a) 32–3.

¹¹⁰ Bücher (2006) 295 argues with reference to Cicero's use of the Gracchi that established exempla can gain new connotations over time. This is undoubtedly true, but the use of the Gracchi seems not the best example of this aspect. The above analysis has tried to illustrate that there were contrasting and contemporary traditions on the Gracchi which could reflect the variety in representation.

¹¹¹ Kaster (1998) 250 when speaking of the usage of icons argues that 'any author or text that is complex and interesting enough in the first place to be thought worthy of playing this authoritative cultural role must be subtly changed, shaped, tidied, and simplified, as one feature is exaggerated here, another pared away there, to stress the traits that are found useful for controlling the uncertainties and instabilities of the moment.' This can be said to be true for historical exempla as well. Cf. Burnand (2000) 183 with another instance from Cicero's speeches illustrating the flexibility of historical exempla.

radical tribunes.¹¹² Some of Cicero's discussions of the Gracchi, or either of the brothers, also contain reference to the *popularis* tribune L. Appuleius Saturninus (tr. pl. 100 BC).¹¹³ Indeed, Saturninus is often employed as the third stock example of a radical tribune justly killed for his actions. As with other stock examples, Cicero can adjust the reference to suit his particular point (see next section), but when the Gracchi and Saturninus are mentioned together they exemplify the radical tribune. In this way, the combination of these stock examples further emphasize the stereotypical message and obscures the individual traits of each case, forming a catalogue of 'radical tribune' exempla.¹¹⁴

Stock exempla and the proximity between an exemplum and follower

The case of the Gracchi illustrates that certain historical figures had become very well known and were referred to regularly as illustrating specific lessons, even if different lessons could be drawn from the same exemplum and variant traditions contrasted each other. Such exempla can be termed stock exempla.¹¹⁵ The person referring to such stock exempla must build on the generally agreed interpretation(s) of the exemplum but can also make minor alterations by adding or detracting, emphasizing or obscuring elements of the story. Throughout Cicero's works specific historical figures are used to exemplify certain and fixed lessons. Hannibal and Spartacus are dangerous enemies at

¹¹² Speeches: Cic. *Verr.* 2.4.108 (Ti.); *Caec.* 87 (Ti.); *Cluent.* 151 (C.); *Font.* 39 (C.); *Leg. agr.* 2.31 (Ti.); *Dom.* 24 (C.), 91 (Ti.), 102 (C.); *Mil.* 72 (Ti.); *Phil.* 1.18 (Ti.). Treatises: Cic. *De or.* 1.154 (C.), 2.132 (C.), 3.225–6 (C.); *Rep.* 1.31 (Ti.), 3.41 (Ti.); *Par. or.* 104 (C.); *Brut.* 103–4 (Ti.), 117 (Ti.), 212 (Ti.); *Or.* 233 (C.); *Acad. Pr.* 15 (Ti.); *Tusc.* 3.48 (C.); *Nat. D.* 1.106 (Ti.); *Off.* 1.76 (Ti.), 1.109 (Ti.), 2.72 (C.). No mention in the letters.

¹¹³ Cic. *Verr.* 2.1.151 (Ti.); *Corn.* (Asc. 80C) (Ti. and C.); *Cat.* 1.3–4 (Ti. and C.), 1.29 (Gracchi), 4.4 (Ti. and C.); *Dom.* 82 (C.); *Har. resp.* 41 (Ti. and C.), 43–4 (Ti. and C.); *Sest.* 101 (C.), 105 (Gracchi); *Vat.* 23 (Gracchi); *Planc.* 88 (all but not named); *Mil.* 8 (all but not named), 14 (Ti. and C.); *Phil.* 8.13–15 (Ti. and C.); *Leg.* 3.20 (Ti. and C.).

¹¹⁴ See the discussion of *popularis* politicians employed as exempla by tribunes in the section 'Homines novi as exempla' in Chapter 7. Bücher (2006) 281–96 discusses the Gracchi and Saturninus as exempla and terms the combination of these an 'Exempla-Reihe' ('a series of exempla'), a term he explains on pp. 159–60.

¹¹⁵ Stock exempla are not necessarily historical exempla as figures from drama and poetry were used, too, as stock exempla, e.g. Cicero's reference to the Palatine Medea in his speech *Pro Caelio* (18 with Austin (1960) *ad loc.*), building on the legendary story of Medea's unforgiving attitude toward the man who had left her to portray Clodia's cruel and criminal acts of revenge against Caelius. The focus of this study, however, entails the discussion of historical stock exempla only.

the gates of Rome;¹¹⁶ Scipio Africanus, Flamininus, and L. Paulus are great generals defending and expanding the Roman Empire;¹¹⁷ and L. Brutus, Cato Maior, and Scipio Aemilianus are distinguished politicians working for the benefit of the Roman republic.¹¹⁸ As such they can be said to have become stock exempla forming part of the cultural memory of the Romans.

The references to historical exempla are at times not very elaborate. Cicero sometimes simply names the historical figure without qualifying the relevance of the exemplum. In the *Philippic* speeches, Cicero only has to mention Spartacus in order to induce fear among the senators.¹¹⁹ In the second speech *In Catilinam*, Cicero argues that the Catilinarians 'have fallen so deeply into debt that, if they are ever to become solvent again, Sulla would have to be brought back from the dead!' (*in tantum aes alienum inciderunt ut, si salvi esse velint, Sulla sit eis ab inferis excitandus*), alluding to Sulla's confiscations in the late 80s BC.¹²⁰ The Sullan confiscations and their necessary preceding proscriptions were notorious for their cruel and greedy nature, thus a simple mention of Sulla and his way of cancelling debts could spread fear and anger among the audience.¹²¹ In both cases, the purpose of this tactic was to

¹¹⁶ Hannibal: *Mur.* 32; *Cat.* 4.21; *Har. resp.* 27; *Sest.* 142; *Balb.* 51; *Prov. cons.* 4; *Phil.* 1.11, 5.25, 13.25, 14.9; *Att.* 7.11.1; *Fin.* 2.56, 4.22. Spartacus: *Har. resp.* 26; *Phil.* 4.15, 13.22; *Par. stoic.* 30.

¹¹⁷ Scipio Africanus: *Cic. Verr.* 2.5.25; *Mur.* 31; *Cat.* 4.21; *Har. resp.* 41; *Prov. cons.* 18; *Pis.* 58; *Phil.* 5.48; *Sen.* 13, 61, 82; *Div.* 2.66, 2.95; *Fin.* 2.56, 4.22, 5.70; *Nat. D.* 2.165; *Off.* 3.1, 3.4; *Par. stoic.* 12; *Rep.* 1.1, 1.27; *Tusc.* 1.110, 5.49; *Inv. rhet.* 1.5. Flamininus: *Cic. Verr.* 2.1.55, 2.4.129; *Leg. agr.* 1.5; *Mur.* 31; *Pis.* 61; *Phil.* 5.48; *Sen.* 42. L. Paulus: *Cic. Verr.* 2.1.55, 2.5.14, 2.5.25; *Leg. agr.* 1.5; *Mur.* 31; *Cat.* 4.21; *Pis.* 58, 61; *Rab. Post.* 2; *Att.* 4.13.2; *Sen.* 61, 82; *Div.* 1.103, 2.71; *Fin.* 5.70; *Amic.* 21; *Nat. D.* 2.165, 3.80; *Off.* 1.116, 2.76; *Rep.* 1.23; *Tusc.* 1.89, 1.110, 5.118.

¹¹⁸ L. Brutus: *Sest.* 143; *Planc.* 60; *Phil.* 1.13, 2.26, 2.114, 3.9, 5.17; *Att.* 2.24.3, 13.40.1; *Sen.* 75; *Fin.* 2.66; *Off.* 3.40; *Par. stoic.* 12; *Rep.* 2.46; *Tusc.* 1.89, 4.2, 4.50; *Brut.* 53; *De or.* 1.37, 2.225. Cato Maior: *Cic. Div. Caec.* 66; *Verr.* 2.3.160, 2.3.209, 2.5.180; *Leg. agr.* 2.64; *Mur.* 32; *Sull.* 23; *Arch.* 16; *Planc.* 66; *Sen. passim*; *Div.* 1.28; *Fin.* 5.2; *Leg.* 1.6, 2.5, 3.40; *Amic.* 4, 9, 21; *Nat. D.* 2.165; *Off.* 1.79, 2.89, 3.16; *Par. stoic.* 12; *Rep.* 1.1, 2.1, 2.3, 2.37; *Tusc.* 1.110, 3.51, 4.3; *Brut.* 63, 65, 77, 89, 293; *De or.* 1.171, 1.215, 2.142, 3.56, 3.135; *Inv. rhet.* 1.5; *Top.* 78. Scipio Aemilianus: *Rosc. Am.* 103; *Div. Caec.* 69; *Verr.* 2.1.11, 2.2.3, 2.2.28, 2.3.209, 2.4.73, 2.4.97, 2.5.14, 2.5.124; *Clu.* 134; *Leg. agr.* 2.51; *Mur.* 58, 66; *Arch.* 16; *Mil.* 8, 16; *Phil.* 6.10; *Att.* 4.16.2, 6.1.8, 10.8.7; *Q Fr.* 1.1.23, 3.5.1; *Sen.* 9, 19, 28, 77, 82; *Fin.* 4.23, 5.2, 5.70; *Amic. passim*; *Nat. D.* 2.14, 2.165, 3.80; *Off.* 1.76, 1.87, 1.90, 1.108, 1.116, 2.76; *Rep. passim*; *Tusc.* 1.110, 2.62; *Brut.* 83, 258, 295; *De or.* 1.211, 1.215, 2.22, 2.106, 2.154, 3.56, 3.87; *Inv. rhet.* 1.5; *Top.* 78. Bücher (2006) 217, 219–20, 264 touches on this aspect in connection with Cicero's use of Scipio Africanus, Hannibal, and Scipio Aemilianus. The collection of essays on 25 Roman republican men, including the Ciceronian stock exempla Scipio Africanus, Flamininus, L. Paulus, L. Brutus, Cato Maior, and Scipio Aemilianus, by Hölkeskamp & Stein-Hölkeskamp (2000) might be argued to represent a modern selection of stock exempla, although the editors emphasize a broader aim of introducing political, cultural, and social aspects of the Roman republic through these essay portraits.

¹¹⁹ *Cic. Phil.* 4.15, 13.22.

¹²⁰ *Cic. Cat.* 2.20 (transl.: Berry (2006)).

¹²¹ The reference to Sulla's confiscations and thus also his proscriptions was a reminder to the audience of Cicero's stand in this question, exposed in Cicero's speech against a tribunician

persuade the audience to follow Cicero's advice and act against Antonius and the Catilinarians respectively.

It seems from these references that it was enough simply to mention the name of the historical exemplum because the name carried specific connotations well known to the audience. One straightforward way of exploiting the emotional strength of a historical exemplum was to compare directly a historical figure with an individual in the present. In the *Verrine* speeches, Cicero calls Verres 'Hannibal' because, he alleges, Verres had included a disreputable woman in his court at Syracuse as if a Hannibal including men in his camp on the basis of merit rather than birth.¹²² Here, Cicero employs the name of Hannibal to ironize and ridicule Verres, and in this he is playing on Hannibal's well-known meritocratic attitude, exploiting a stock example to illustrate his point.

Cicero knew well which stock examples to use and the ways in which to employ them most effectively. Besides the straightforward comparison, he could also rework a stock example to make a new point. In the *Philippic* speeches, Cicero characterizes Antonius, the later triumvir, as a new Hannibal. Here, the point is not one of meritocracy, but partly an attempt to frighten the Senate into action and partly a much more complex issue of how to deal with an enemy of the state. In his fifth *Philippic* speech, a version of the speech delivered at the meeting of the Senate on 1 January 43 BC, Cicero

proposal to remove the political discrimination against the children of the proscribed, delivered earlier in 63 BC. The speech is not extant, but mentioned in Cicero's letter to Atticus listing his consular speeches (*Att.* 2.1.3). Earlier references to the Sullan proscriptions: Cic. *Rosc. Am.* 89–90; *Verr.* 2.3.81–2. At the outbreak of civil war in 49 BC, Cicero, and other people too, were afraid that both Caesar and Pompey would become new Sullae, returning to Rome with their armies; Pompey even made Sullan threats: Cic. *Att.* 9.7c.1, 9.10.2–6, 9.11.3, 9.14.2, 9.15.2–3, 10.7.1, 11.21.3. Morstein-Marx (2004) 111–12 concludes similarly that Sulla was a stock exemplum, and 110–11 Marius likewise.

¹²² Cic. *Verr.* 2.5.31. On Hannibal as historical exemplum in all of Cicero's speeches see Bücher (2006) 218–20. Cf. the comparison Verres–Mithridates (Cic. *Verr.* 2.2.51, 2.2.159) in which Verres comes out as the most wicked. The positive representation of Mithridates is the more remarkable since the speech was given at a time when Mithridates was yet to be conquered and when he had already massacred a legendary number of Romans in Asia in 88 BC. Steel (2001) 22–47 analyses how Cicero portrays Verres as the ultimate negative exemplum of a provincial governor; and Seager (2007) collects a large number of instances of Cicero's negative comparisons between Verres and past exempla as variations on the theme of invective. Other direct comparisons: Piso with Epicurus (*Pis.* 37, 59); Antonius with Catiline (*Phil.* 2.1, 2.118, 4.15, 13.22). Bücher (2006) 68 discuss this technique of brief references to historical exempla as a stylistic technique of *brevitas* used in the *Rhet. Her.* and also argues that it presupposed a certain level of historical knowledge in the audience. The direct renaming of a person in the present after a historical figure is termed 'Vossianische Antonomasie' by Oppermann (2000) 64. In the letters, Oppermann has found several examples of this kind of reference, and the speeches certainly contain many.

argues that Antonius is behaving more savagely and ruthlessly in his siege of Mutina than Hannibal in his siege of Saguntum. He then moves on to discount his own comparison of Antonius with Hannibal in his discussion of the planned embassy to Antonius. Cicero maintains that the Senate ought not to send an embassy to Antonius to negotiate because Antonius is a Roman citizen, who by his actions has made himself into an enemy of the state, a *hostis*. If he was a normal *hostis*, such as Hannibal, an embassy would have been an appropriate means with which to negotiate the end of hostilities. But since an embassy cannot request a change of attitude from that of a *hostis* to that of a Roman citizen, it is a futile plan bound to fail.¹²³ Here Cicero develops the stock example of the threatening Hannibal into an example of how to deal with foreign enemies, as opposed to ending Antonius' hostile actions against his own state.

After the embassy had been agreed upon, against Cicero's warnings, Cicero develops the comparison between Hannibal and Antonius in his sixth *Philippic* speech, the written version of his speech delivered to the people after the four days of Senate meetings resulting in an embassy being decreed. Here, Cicero's employment of Hannibal's exemplum is meant to illustrate that an embassy to Antonius will end in war, as it did in the case of Hannibal at Saguntum.¹²⁴ Cicero has given up the complex argument of the difference between Hannibal the foreign *hostis* and Antonius the Roman *hostis* and instead argues their similarity as *hostes* who will never comply with the demands of the Senate and therefore will start a war. Whilst the name of Hannibal is meant to instil fear among his audience in both speeches, the fifth *Philippic* speech is using Hannibal's exemplum in a more intricate way than in the sixth *Philippic* speech, where Hannibal at Saguntum is the direct parallel to Antonius at Mutina—a terrifying and traumatic prospect. Cicero's change in argument is, of course, a result of the embassy being agreed upon, but perhaps also a result of the change in audience. He may have considered the senators able to follow his complex argument of various kinds of *hostes*, but simplified his message to the people to make it more convincing, whilst glossing over his own failure to persuade the Senate to abandon the plan of an embassy.

The comparison between Hannibal and Antonius continued in later *Philippic* speeches. In the thirteenth speech, Cicero again argues that Antonius is a new Hannibal, setting Antonius' siege of Mutina on par with Hannibal's siege of Saguntum.¹²⁵ In the fourteenth speech, Cicero develops the comparison

¹²³ Cic. *Phil.* 5.25–9 with Harries (2006) 221 and Manuwald (2007) vol. 2, 651.

¹²⁴ Cic. *Phil.* 6.4–6 with Manuwald (2007) vol. 2, 759–60 who rightly points out the subjectivity in Cicero's depiction of the situation.

¹²⁵ Cic. *Phil.* 13.25.

to argue that Marcus Antonius and his brothers Lucius and Gaius are even worse than Hannibal in their sack of the colony of Parma; not even the word *hostis* is strong enough to describe the horror of their actions.¹²⁶ The constitutional argument about negotiation with *hostes* is now irrelevant and Cicero simply exploits the frightening connotations of Hannibal's name to stir the Senate into action against the Antonii.

Cicero's arguments are meant to persuade his audience through what seems to be logical arguments, but his employment of Hannibal also aims to play on the underlying fear of Rome's arch enemy. Hannibal's cruelty and greed formed a central part in the depiction of the Carthaginian general in the works of Greek and Roman authors from the republican age: Ennius, Polybius, Fabius Pictor, and Cornelius Nepos, and this personification continued to be standard for authors of the Augustan age and later.¹²⁷ The question was whether the audience accepted Cicero's comparison and thus his message. Cicero's equation between Antonius and Hannibal appeared for the first time, and most elaborately, in his fifth *Philippic* speech delivered in January 43 BC, but it was not until much later in the spring that the Senate decided to fight Antonius. Seen in this light, Cicero's rhetoric did not work. However, Cicero's continued criticism of Antonius' alleged crimes and his comparison between Antonius and villainous people must account for, at least, a stirring of emotions against Antonius, which might have furthered the decision to fight the proconsul. Cicero played on an idea of Hannibal as a wicked and persistent enemy of the Roman *res publica*, an idea which must have been common in Roman society. Cicero's exploitation of the horrifying associations of Hannibal's name and the similarities and differences in negotiations with a *hostis* and a hostile Roman citizen are among the more developed employments of stock examples in Cicero, yet it still played on the general Roman perception of Hannibal.

Blame could also be heaped on a political opponent or a counterpart in a court case by comparing him with great Romans and thereby making a glaring contrast. Cicero has a whole array of *maiores* with whom he compares Verres: M. Marcellus; L. Scipio; Flamininus, L. Paulus; L. Mummius.¹²⁸ Cicero's point is that Verres plundered for his personal joy and gain, while the good generals plundered the conquered cities and peoples for the *res publica* and the common good. The length of the list and the names in it lend authority to Cicero's point. Not only is Verres' greed measured against great exempla; also his military prowess is judged to be deficient.¹²⁹ The list of exemplary generals not only

¹²⁶ Cic. *Phil.* 14.9.

¹²⁷ Christ (1974) 363–92.

¹²⁸ Cic. *Verr.* 2.1.55. For L. Mummius see also Cic. *Verr.* 2.3.9.

¹²⁹ Cic. *Verr.* 2.5.25. Cf. Cic. *Verr.* 2.5.14.

makes Verres look less successful, it actually makes him look ridiculous, because he had not achieved a fraction of what the heroic generals had. These single references to the names of the greatest generals of Rome are enough to make the audience recall their legendary military victories and to see the irony in a comparison between Verres and them.¹³⁰ Of the generals mentioned by Cicero in this passage, M. Marcellus only receives repeated attention throughout the *Verrine* speeches because he was the conqueror of Sicily, had a descendant present in court (C. Claudius Marcellus, *RE* 214, pr. 80 BC),¹³¹ and was considered the patron of the island.¹³² Cicero's inclusion of Scipio's *praenomen* Lucius alerts the attentive reader to L. Cornelius Scipio Asiagenes (*RE* 337, pr. 193 in Sicily and cos. 190 BC), the brother of P. Cornelius Scipio Africanus (*RE* 336, cos. 205, 194), but it is Scipio Aemilianus (*RE* 335, cos. 147, 134) who receives the most attention in the *Verrines* due to his patronage of Sicily in his return of Carthaginian booty to the island after his victory over Carthage.¹³³ In a sense, the precise identification of the various Scipios mentioned mattered less for Cicero's purpose of invoking recollections of great Roman generals who were considered patrons of the island, as a contrast not only to Verres but also to Verres' supporter P. Scipio Nasica (*RE* 352, cos. 52), suggesting Nasica's scorn of his ancestral patronage of Sicily.¹³⁴ By these references to great generals, some more than others due to special relevance for the case, Cicero plays on the common perception of these great heroes of Roman history as a backdrop upon which to illustrate the shortcomings of present individuals, in particular Verres. Cicero's various ways of exploiting stock exempla illustrates part of the range and flexibility of such and other historical exempla.

The flexibility of historical exempla consists in selectivity, that is, the choice of aspects or variant traditions of a particular exemplum, and in the interpretation and presentation of those chosen aspects and traditions, as we have seen in Cicero's use of the Gracchi. The question remains as to how close the

¹³⁰ The same irony is used throughout the *In Pisonem*, where Cicero measures Piso against Tarquinius Collatinus, Scipio Africanus, Fabius Maximus, Q. Metellus, C. Marius, Aemilius Paulus, Cn. Pompeius, Crassus, P. Servilius, C. Curio, L. Afranius, C. Pomptinus, Camillus, Fabricius, Scipio, and Marcellus (Cic. *Pis.* 14, 20, 39, 58). For a longer analysis of Cicero's comparison of Verres with past Roman generals see Stinger (1993) 53–66; Steel (2001) 32–5.

¹³¹ Cic. *Div. Caec.* 13; *Verr.* 2.4.90.

¹³² M. Marcellus: Cic. *Verr.* 2.1.11, 2.2.4, 2.2.50, 2.4.115–31, 2.5.84. The other generals are mentioned less often: T. Flamininus (Cic. *Verr.* 2.4.129); L. Paulus (Cic. *Verr.* 2.5.14, 2.5.25); L. Mummius (Cic. *Verr.* 2.3.9, 2.4.4). L. Scipio Asiagenes is mentioned nowhere else in the *Verrine* speeches.

¹³³ Scipio Aemilianus: *Div. Caec.* 69; *Verr.* 2.1.11, 2.2.3, 2.2.28, 2.2.85–7, 2.3.209, 2.4.73, 2.4.93–8, 2.5.14, 2.5.124. For Scipio's return of Carthaginian booty see Cic. *Verr.* 2.2.85–7 and Astin (1967) 76–7 with references to further evidence.

¹³⁴ Cic. *Verr.* 2.4.79–81. This passage will be discussed in Chapter 7 under 'Great Romans as general exempla for all Romans'.

exemplum must be to the current individual or situation in order to be credible and convincing to the audience. Cicero's speeches display various ways in which an orator can play on the proximity or lack of proximity between the historical exemplum and the current situation or individual discussed. Proximity between a historical exemplum and an individual or situation in the present can be understood in a number of ways, for example action, intention, time, place, and social level. However, the reading of Cicero suggests that the necessary level of proximity in any of these aspects is not something to be measured with exactitude.

If we take Cicero's comparison between Hannibal and Marcus Antonius discussed above, it is clear that close proximity was not paramount for Cicero's argument; Hannibal's siege of Saguntum is paralleled in Antonius' siege of Mutina, and Cicero uses Hannibal's negative reaction to the embassy of the Roman Senate as a background for arguing that Antonius will not accept any negotiation either. In other words, Cicero uses Hannibal's action as a prediction of Antonius' future action; their actions are not similar but presented as potentially similar. Their intentions seem also at odds given that Hannibal was besieging Saguntum because he saw this Roman ally as a threat to Carthaginian interests in Spain, that is, a question of foreign policy, while Antonius besieged Mutina because he wanted to force D. Brutus to give up his proconsulship of Gallia Cisalpina and hand it over to him as he was appointed proconsul of this province, in other words, a domestic political issue. Time is a less straightforward factor, as a historical exemplum by definition belongs to a different time than the individual or situation to which it is applied. In general, Cicero uses historical exempla from both the distant and the recent past, as discussed below. In this particular case of Hannibal versus Antonius the temporal aspect is of less importance, except that Cicero could exploit common notions about Hannibal since nobody was alive who had taken part in the events surrounding Saguntum. The proximity of place was not directly relevant either in this particular exemplum as Spain is not Gallia. In a different sense, place also seems not to have impaired the credibility of this exemplum: Hannibal the Carthaginian is a foreign exemplum compared to a Roman individual. As I shall go on to discuss in the discussion of genre below, Cicero's speeches show a preference for Roman exempla whereas his letters and treatises abound in Greek and some foreign exempla. In other words, origin seems to have played a role and the comparison of Hannibal and Antonius perhaps suggests that a foreign exemplum was suitable for a negative lesson, and thus the level of proximity depended on the point argued. Where one might find a similarity is in the social level of Hannibal and Antonius, who were both part of the elite group of their countries and were both military commanders. This aspect, however, is not underlined by Cicero,

and appears not to have been of direct importance in his choice of Hannibal as a historical exemplum comparable with Marcus Antonius. In sum, the proximity between Hannibal and Antonius is not marked in any of the aspects outlined, except perhaps for social status. Indeed, Cicero's argument from Hannibal's exemplum slides up and down the level of proximity: first, he argues that the cases of Hannibal and Antonius are similar in action (the sieges) yet different in situation as Antonius is a Roman citizen with whom the Senate cannot negotiate. In later speeches, Cicero changes tack and argues from the similarity only, namely that Antonius is no longer a Roman citizen and therefore closer to Hannibal. Indeed, he claims that Antonius is even worse than Rome's old arch enemy. Cicero uses Hannibal's exemplum to both compare and contrast with Antonius, and he exploits both (perceived) similarities and differences.

Another instance of claimed proximity can be found in the *Pro Roscio Amerino*, delivered shortly after Sulla's victory and succeeding proscriptions. Here Cicero compares the bloody battle of Cannae with the sanguinary proscriptions under Sulla's reign.¹³⁵ Certainly, these examples do not fit the present situation perfectly. A military battle against a foreign enemy is not the same as proscriptions, either in action or in intention. The similarity between generals such as Curtius, Marius, and Memmius, old enough to be exempt from military actions on the one hand and accusers old enough to withdraw themselves from public life is not striking either in terms of social status or intention behind their decision to participate in battle and court cases. It was not Cicero's intention to find exactly matching examples, if such ever existed in the traditions. Instead of close proximity, these comparisons lend their strength from the feelings or recollections among the audience stirred by the mere mentioning of such famous battles, places, and people: horror with the proscriptions and the bloodthirstiness of accusers who continue their cruel businesses despite being long ripe for retirement. This passage suggests that close proximity between example and present situation was not the only factor to be considered when an orator chose his exempla. Emotional force (*pathos*) was another important aspect, and here, as well as in the references to Hannibal in the *Philippic* speeches, Cicero combines *pathos* with *logos* (logical argument).¹³⁶

The temporal aspect is highlighted by Cicero himself as potentially important for the credibility of the historical exemplum. In two passages from the

¹³⁵ Cic. *Rosc. Am.* 89–90.

¹³⁶ See also Arist. *Rh.* 1.2.2–8, 2.1.1–8. For a discussion of the three means of persuasion, *logos*, *ethos*, and *pathos*, see Wisse (1989), esp. 4–8, 60–76, 105–12.

Paradoxa Stoicorum and the *Partitiones Oratoriae* (both from the 40s BC), Cicero distinguishes between old and more recent historical exempla:

Within our own father's memory, so that we shall not always talk of the Curii and Luscini, was Manius Manilius a poor man? For he had a small house in the Carinae and a farm in Labicanum . . . ¹³⁷

Both [proposer and opposer of a bill] should have a supply of exempla for the strengthening of the point—either more recent examples, in order that they may be more well known, or older examples, in order that they have more authority; and he [the speaker] should have much practice in this kind of argumentation, so that he can often either give precedence to the expedient and necessary over the honourable, or the other way around. ¹³⁸

The first passage suggests a difference in quality between recent and older historical exempla, whereas the latter one specifies wherein this difference in quality lies: recent exempla are better known to the audience, whereas the older ones carry more authority. This distinction is very general as older exempla might well be more known to the audience than a recent one. Furthermore, the idea that older exempla carry more authority than more recent ones seems at first sight evident, given the Romans' respect for their ancestors. But when looking at this idea more closely, it seems not at all evident that an older exemplum should necessarily have more authority than a more recent one. A very appropriate and precise recent exemplum could be more authoritative than a more ancient and less similar exemplum. When looking more closely at this assertion about authority in historical exempla, it seems simplistic to look at age in order to cater for all the different kinds of historical exempla found in Cicero's works. Bücher's list of named historical exempla used in Cicero's speeches suggests that Cicero preferred more recent exempla to older ones in the speeches. ¹³⁹ This observation is supported by the reading of Cicero's complete works. Indeed, there is an overweight of historical exempla from the second half of the second century BC onwards.

¹³⁷ Cic. *Par. Stoic.* 50 (Teubner): *M'. Manilius patrum nostrorum memoria, ne semper Curios et Luscinos loquamur, pauper tandem fuit? habuit enim aediculas in Carinis et fundum in Labicano; . . .*

¹³⁸ Cic. *Part. Or.* 96: *Uterque vero ad augendum habeat exemplorum aut recentium, quo notiora sint, aut veterum, quo plus auctoritatis habeant, copiam; maximeque sit in hoc genere meditatus, ut possit vel utilia ac necessaria saepe honestis vel haec illis anteferre.* Cf. Cic. *Ver.* 2.3.209 discussed above.

¹³⁹ Bücher (2006) 158 with Anhang I. I do not agree with Bücher (2006) 156–7 that Cicero expresses preference for older exempla; he merely says that there is a difference between distant and recent exempla, and that they both provide advantages (cf. Cic. *Part. Or.* 96). The passages cited by Bücher (Cic. *Ver.* 2.3.209; *Inv. rhet.* 1.49; *Part. Or.* 96; *Orat.* 120; *Caec.* 80) simply mention that others refer to ancient exempla but not that these are preferable.

What Bücher's list also shows, however, is the broad temporal spectrum covered in Cicero's choice of historical exempla ranging from regal times (if we are to take such exempla as historical) until the very recent past.¹⁴⁰ Historical exempla from both the distant and the most recent past could clearly work when applied convincingly, and the proximity in time between a historical exemplum and the individual or situation to which it was applied need not be crucial.

Judging from Cicero's comparisons between Hannibal and Antonius and between Sulla's proscriptions and Roscius' prosecutors, it seems that close proximity in any aspect was not necessary for providing a credible historical exemplum, as long as Cicero could argue from similarities (or differences). What was important, however, was the perception of proximity (or distance) between the historical exemplum and the individual or situation to which it was applied. Indeed, if the comparison was not argued convincingly enough, it might be challenged and thereby lose credibility, as Cicero disputed Piso Caesoninus' claim to belong to the Frugi-branch. Exactly because a historical exemplum forms part of an argument, it is an element manipulated to fit the message. Therefore, it is impossible to determine how close a historical exemplum must be to the present individual or situation; in fact, this question misses the point that argument from a historical exemplum is exactly an interpretation, open for challenge, and not an exact and precise depiction.

The examples discussed above give an indication of the flexibility of historical exempla, both in the different and potentially competing traditions and in the interpretations of these, and the play on (lack of) proximity between the historical exemplum and the present individual or situation compared. In the *De oratore*, however, Cicero has Antonius express a moral-didactic view of history, which necessitates a certain level of historical plausibility in the exempla cited: 'Everybody knows that the first law of history is not daring to say anything false.' (*Nam quis nescit, primam esse historiae legem, ne quid falsi dicere audeat?*)¹⁴¹ This famous passage has been discussed at length in modern scholarship, but here suffice it to say that the request for abstention from recounting a falsehood does not imply that all references to historical exempla must be truthful and comprehensive in all aspects. In a society glued together by *mos maiorum* and various oral traditions, there may not have been any true representation. Indeed, the discussion above shows that Cicero displayed history as a flexible matter in which

¹⁴⁰ Roloff (1937) 128–31 concludes the same on Cicero's usage of *maiores*; taking Roloff's conclusion as his starting point, Stemmler (2000) 181–2 discusses how centuries-old exempla could engage the Romans of Cicero's day.

¹⁴¹ Cic. *De or.* 2.62 (transl.: May & Wisse (2001)).

interpretations could vary in order to make specific points, as long as the representation was credible and convincing.¹⁴²

This impression is supported by a passage from Cicero's history of Roman orators, the *Brutus*, in which Cicero explains to Brutus that orators are given the freedom to manipulate historical exempla to make their narrative more effective.¹⁴³ In other words, the orator can use history as he wishes and draw parallels between a historical exemplum and a later figure, also in order to stress a non-existent pattern of action. The orator's aim with this falsification would be to persuade. Other aims could be to claim ancestral achievements to boost one's standing or political influence, as Cicero's famous lament over the distortion of history indicates.¹⁴⁴ This passage again points to the political mileage in ancestral fame. Furthermore, it underlines the fact that orators and everybody else employing historical exempla sometimes had several traditions to choose between when deciding on a particular exemplum. Cicero is indeed faced with such a choice between two differing accounts of Regulus' oath to Hannibal after the battle of Cannae as represented by the historians Polybius and C. Acilius.¹⁴⁵ Cicero seems to favour Polybius' story as more trustworthy, but he does not give specific reasons for his preference. Cicero simply concludes on the general lesson of the story, without discussing the importance of the different variants. As these instances, as well as Cicero's references to the Gracchi, show, the use of historical exempla could involve a choice between variant stories and should involve a choice of a more effective presentation of the chosen story.

Historical knowledge of the audience

Audience was an important factor to take into account when deciding on the rhetorical strategy, including the choice and use of historical exempla. When deciding to use historical exempla, the orator or author must have presupposed a certain level of historical knowledge, also the possibility of no knowledge, in his audience in order to choose the right exempla and adjust the degree of detail to suit his audience and his persuasive technique. Studies of the differences in Cicero's use of historical exempla in 'parallel speeches'

¹⁴² What Antonius does say is that one should not tell an obvious falsehood, not that the orator or historian cannot choose the elements of a historical event or the traits of a historical person which fit the present purposes best. The check is not so much on the use of history, but more on the moral inclination of the historian or orator who employs historical exempla.

¹⁴³ Cic. *Brut.* 42–3.

¹⁴⁴ Cic. *Brut.* 62.

¹⁴⁵ Cic. *Off.* 3.113–15.

to the Senate and to the people show that Cicero adjusted his choice and employment of exempla, as well as his general rhetorical strategy, to the particular audience addressed, a fact we have seen exemplified in Cicero's use of the Gracchi.¹⁴⁶

We cannot know for certain how well acquainted with history Cicero's audience was, but his references to historical individuals and events, and the amount of information that he conveys can give us an indication.¹⁴⁷ Given Cicero's success—in particular in the speeches—we must assume that his rhetorical strategy and his expectation of the audience's understanding and reaction were broadly right. It seems not unreasonable to suppose that the well-educated senators in general possessed more historical knowledge than the people. However, Morstein-Marx has argued convincingly that not only the upper-class audience but also the *populus* had considerable 'political knowledge', including knowledge of historical figures and events.¹⁴⁸ Wiseman has also supported this point in his analysis of Roman drama as a vehicle for communicating tradition and history, both general Roman history and family tradition, to a broader audience.¹⁴⁹ This is probably true but, as we shall see below, Cicero's different usages of historical exempla in works presented to different audiences suggest that he tailored his choice and employment of exempla according to the composition of the audience, and therefore perhaps also according to his expectation of their historical knowledge.¹⁵⁰

A few pointers can be gained from Cicero's speeches, one of which is that the great wars, their generals and victories formed part of the general historical consciousness, or cultural memory. In the *Pro lege Manilia*, delivered to the people, Cicero refers only to names such as Maximus, Marcellus, Scipio,

¹⁴⁶ Mack (1937) (comparisons between *Red. Sen.* and *Red. pop.*, *Phil.* 3–4); Thompson (1978) (comparisons between *Leg. agr.* 1–2, *Cat.* 1–4, *Red. Sen.* and *Red. pop.*, *Phil.* 3–4, 5–6); Bücher (2006) 228–57 (comparisons between *Leg. agr.* 1–3, *Cat.* 1–4, *Red. Sen.* and *Red. pop.*, *Phil.* 3–4).

¹⁴⁷ Horsfall (2003) 83–95 and Bücher (2006) 68 argue the same point. For general discussions of the historical knowledge of the Roman audience see Hölkeskamp's discussion of 'collective memory' in Hölkeskamp (1996) = Hölkeskamp (2004a) 169–98 and the discussion of 'civic knowledge', that is, historical knowledge among the people, in Morstein-Marx (2004) 68–117.

¹⁴⁸ Morstein-Marx (2004) 117: 'But the overall picture, I submit, stands out clearly: that the audiences of public speeches were expected to be quite aware of the Roman past and present, and were treated as involved and regular participants in political affairs.'

¹⁴⁹ Wiseman (1998).

¹⁵⁰ See the section 'The importance of genre' below. Mack (1937) 77 concludes rather crudely on the historical knowledge on the basis of Cicero's use of historical exempla that the more numerous historical exempla in the speeches to the Senate as opposed to speeches to the people prove that there was an awareness of a continuous history in the Senate, while the people only knew of individual great men and actions. Furthermore, that the more distant in time, the more this feature is emphasized: the events are simply names.

and Marius (i.e. Q. Fabius Maximus, M. Claudius Marcellus, Scipio Aemilianus, and C. Marius) or to geographical locations of war such as Italy, Sicily, Africa, Gaul, and Spain, instead of summing up all the wars, dates, and details of battles.¹⁵¹ Cicero's references to such stock examples of Roman history indicate that his audience, also the common people of the popular assembly, had some historical knowledge on which he could count in his argumentation. This is not surprising given that the oral and written traditions of these great generals were supported by visual reminders: monuments in the forum, public and private buildings in and around the city, and coinage depicting heroes of the past.¹⁵² Perhaps this knowledge was not very detailed, but this could only be an advantage for Cicero as he could fill in the gaps as he wished and leave out details that did not fit his argument.

A subtle hint of Cicero can give us an idea of the extent of knowledge presupposed among the senators. In his speech in the Senate after his return from exile, Cicero refers to the lowly ancestry of his political enemy L. Calpurnius Piso Caesoninus. First, he calls him Caesoninus Calventius, alluding to the name of Piso's Gallic maternal grandfather. A few chapters later, Cicero is slightly more specific in mentioning the Transalpine strain which Piso had inherited from his mother.¹⁵³ Even if the senators might have known of Piso's descent, this indirect reference to the Gallic blood in Piso indicates that a certain knowledge of history might be expected from the senators.¹⁵⁴

A different indication comes from Cicero's first Catilinarian speech, in which he refers to the actions of 'P. Scipio, pontifex maximus' against Ti. Gracchus in 133 BC as one of the exemplary deeds which the senators should take as a model in 63 BC in their reaction to Catiline and his followers.¹⁵⁵

¹⁵¹ Cic. *Leg. Man.* 30, 47.

¹⁵² Some of these overlap with representations of family exempla within *nobilis* families. For more discussion see Flower (1996) on *imagines*; Hölkeskamp (1996) = Hölkeskamp (2004a) 169–98 on monumentalized history; Hölkeskamp (2001) = Hölkeskamp (2004a) 137–68 on history monumentalized on the Capitol, the comitium and the forum; Meadows & Williams (2001) on coinage; Hölcher (2001) on monuments; Flower (2004) and Bell (2004) on spectacles; Morstein-Marx (2004) 77–107 on oratorical references to physical commemorations of the past.

¹⁵³ Cic. *Red. Sen.* 13, 15. Cf. similar disdainful hints to Piso's ancestry: Cic. *Prov. cos.* 7; *Pis.* 53, 62, 67; *Q Fr.* 3.1.11.

¹⁵⁴ A similar argument, with a different example, is put forward by Flower (1996) 151–2. She argues that Cicero's implicit reference to the ancestry of Manlius Torquatus, speaking for prosecution against Cicero's client Sulla, 'suggests that an active and detailed knowledge of past history was assumed for the average jury member'. See also Horsfall (2003) 89–90 for a third example of Cicero using the less well-known names of otherwise well-known Romans from the past in front of the people.

¹⁵⁵ Cic. *Cat.* 1.3. Cf. Cic. *Tusc.* 4.51 for a similar reference. For discussion of Nasica's action, but not Cicero's use of Nasica, see Binot (2001); Linderski (2002); Clark (2007b); Wiseman (2009) 177–210.

It seems that Cicero provides the title of *pontifex maximus* in order to signal that he is speaking of P. Cornelius Scipio Nasica Serapio (*RE* 354, cos. 138 BC and *pont. max.* probably from 141 BC) and not Scipio Aemilianus, who was never *pontifex maximus*, but the more famous. If Cicero expected confusion to arise if he left out the distinguishing title of *pontifex maximus*, it is probable that some of the senators did not have at the forefront of their minds the family tree of the Scipios or the personal details of the participants in the otherwise well-known events of 133 BC. This could indicate a limit in historical knowledge among the senators.

The differences in Cicero's employment of historical exempla in parallel speeches to the Senate and the people can be explained in many ways, for example as appeals to popular heroes in front of the people and more conservative heroes in front of the Senate, emotional appeal (*pathos*) to the people and more logical arguments (*logos*) to the Senate, and tactics of flattery or authoritative statements (which will be discussed below), although Cicero's oratory is much more sophisticated than suggested by this schematic division. All such strategies built on an expectation of historical knowledge in the audience, but it is extremely difficult to distinguish between such an expectation and the other factors determining Cicero's choice and employment of historical exempla in front of the various audiences.

Oratorical and authorial strategies

Cicero may have varied his strategy according to the expected historical knowledge of the audience. But it is also possible to discern Cicero choosing a variety of tactics in front of the same audience and thus for the same level of knowledge. One possible strategy was Cicero's attempt to flatter his audience by referring to historical exempla well known to them and thereby make them feel confident of the relevance of a particular exemplum for the present case and his interpretation of this exemplum.¹⁵⁶ Indeed, Cicero often refers to extremely well-known historical exempla, or stock exempla. We have already seen his use of the Gracchi tending towards stock exempla, even with different values in front of different audiences, and his use of Hannibal and Sulla as frightening exempla.¹⁵⁷ Various traditions provided ample opportunities for a flexible use of such exempla. Even when a generally agreed opinion of a

¹⁵⁶ Cicero admitted to have consciously flattered an ignorant audience of jurors in his defence of Murena in 63 BC in order to persuade them of his general points: Cic. *Fin.* 4.74 with reference to Cic. *Mur.* 61. Wisse (2002a) 331–2.

¹⁵⁷ See the sections 'The flexibility of exempla: the example of the Gracchi' and 'Stock exempla and the proximity between an exemplum and follower' in this chapter.

certain example existed, there was still room for applying a specific angle to the exemplum by either mentioning relevant details or leaving out details which did not support the argument.¹⁵⁸ This flexibility, together with the often advantageous flattery of the audience made such references to stock examples very useful.

An alternative to this strategy of flattery, even in front of an audience with the same level of historical knowledge, was to play the part of a trustworthy guide. By referring to historical individuals, events, and traditions of those not known to the audience, the orator or author could present himself as an expert whom the audience should trust and follow.¹⁵⁹ A variant of the technique was to refute a historical exemplum put forward by the opponent or to criticize him for misleading selectivity in his references to historical exempla or circumstances of the case.¹⁶⁰ Cicero's criticism of Piso Caesoninus is an instance of exactly that kind of challenge of historical exemplum, even a family exemplum claimed by Piso himself. This indicates how difficult it was to judge the knowledge of the audience, both the audience as such and the opponent, and therefore how difficult the rhetorical strategy of arguing from exempla could be. It furthermore illustrates the ways in which an orator well versed in history could counter-attack historical exempla brought forward and thereby present himself as the most trustworthy advocate, orator, or author to the audience, in competition with the opponent.¹⁶¹

¹⁵⁸ See for example Cic. *Leg. agr.* 1.5, where Cicero names the great Roman generals in his speech to the senators among whom sat descendants of the generals, whereas the parallel element of his speech to the people (Cic. *Leg. agr.* 2.90) mentions only the wars and the enemies. Bücher (2006) 228–37 reads this as Cicero's attempt at flattering the senators.

¹⁵⁹ Indeed, Morstein-Marx (2004) 72–6 has argued that the audience did not have to understand the historical references fully in order for the rhetoric to function as the orator (or author) had intended. I do not agree with the view of Flaig (2004) 87 that an exemplum only worked if the audience knew it well. Burnand (2000) 177–8 emphasizes that by citing historical exempla such as Scaevola Augur which were less well known to his audience, 'Cicero not only reinforces his central point about public service but incidentally advertizes his own perhaps superior knowledge of Roman history and so his own faithful adherence to tradition (177).'

¹⁶⁰ Cic. *Clu.* 97; *Flac.* 76–8; *Acad. Pr.* 13–14. See Cic. *Part. or.* 44; *Inv. rhet.* 1.82 for theoretical discussions. This strategy of questioning the validity of the exempla produced by the opposing counsel was a general one in both Greek and Roman rhetoric according to Price (1975) 22 with references.

¹⁶¹ Cicero also adopted this stance of more informed interpreter of the past in his philosophical work *De divinatione*. Here he refutes Quintus' interpretation of ancestral actions and represents himself as not fooled by the apparent message of these historical exempla and instead able to read between the lines and extract the true meaning of these exempla: Cic. *Div.* 2.42–3. Cf. Cic. *Div.* 2.70, 2.74, and 2.75. Likewise, in Cic. *Fam.* 9.15.3 to Papirius Paetus (46 BC), Cicero rejects Paetus' reference to Catulus' exemplum as relevant for Cicero himself. Burnand (2000) 179: 'it was not simply a matter of knowing one's own history, it was also a case of demonstrating why your story was a more relevant one than the next orator's.'

Cicero was not only aware of this competition; he even played his part well. He himself chose the tradition which suited best and picked out only the details that fitted when referring to a historical exemplum, as indicated by the discussion of his varying references to the Gracchi. Another method was to refer directly to the intention of the ancestor chosen as exemplary, as if Cicero knew what the historical figure had planned, in order to avoid competing interpretations of a historical action.¹⁶² It would also be extremely difficult to find a historical exemplum which fitted another situation perfectly in all aspects. Therefore, it was part of the game to pick out and use as appropriate. Cicero's skill in playing this game is illustrated not only by his own ability to select and tailor the crucial aspects of relevant exempla, but also by his superior knowledge of history which enabled him to accuse and ridicule an opposing counsel for falsifying an exemplum and thereby force through his own point. This competition for the 'right' interpretation of historical exempla again underlines the flexibility of such exempla. This competition for the right interpretation of an exemplum was perhaps more open when the historical figures set up as exempla were very recent. Indeed, Cicero's references to Catiline, Cato Minor, Crassus, Pompey, and Caesar as historical exempla—positive and negative—can be interpreted as Cicero's attempt to control the future interpretation of important figures newly deceased by presenting his own interpretation before anybody else.¹⁶³ Cicero's interpretation did, if not convince everybody, at least influence the tradition.¹⁶⁴

¹⁶² Cic. *Phil.* 9.3: 'What we ought to do, therefore, is, not to seek out the examples afforded by our ancestors, but to explain their intentions from which the examples themselves arose.' (*Non igitur exempla maiorum quaerenda, sed consilium est eorum a quo ipsa exempla nata sunt explicandum.*) Braun (2002) 124 points out in connection with this passage that a similar argumentation exists in modern American legal practice. Cf. Cic. *Verr.* 2.3.210–11; *Caecin.* 52–3 for similar points. Related to this issue and relevant in particular for legal precedents is the claim to know the lawgiver's intention behind a specific measure, which is useful for Cicero when he argues that the spirit of the law (in his interpretation) is above the letter of the law: Cic. *Caecin.* 34, 40, 45, 52–4, 67–9, 80, 99–100; *Chu.* 120. Cf. Cic. *Mur.* 23–30 where the jurisconsult is contrasted with Cicero who knows how to use laws in practice. See the discussion of this idea in Cic. *De or.* 1.180, 1.238, 1.242, 2.24, 2.140–1, 2.220–2; *Brut.* 144–5, 194–8.

¹⁶³ Cic. *Flac.* 102; *Har. resp.* 18; *Pis.* 95; *Fin.* 2.57, 3.75; *Tusc.* 1.12, 1.86, 5.116; *Div.* 1.119, 2.23–4, 2.52, 2.99; *Off.* 1.25, 1.26, 1.43, 1.76, 1.109, 1.112, 2.20, 2.23–8, 2.60, 3.73, 3.83–5; *Phil.* 2.1, 3.18, 4.15, 5.43–4, 8.15, 13.22, 14.14.

¹⁶⁴ See the contemporary discussion of Cato in Cicero's and Brutus' works *Cato* and in Caesar's and Hirtius' *Anti-Cato*, considered in the section 'The response of an intellectual' in Chapter 8. Tschiedel (1981) 132 also reads Caesar's *Anti-Cato* as an attempt to counter the interpretation of Cato's exemplum in Cicero's and Brutus' works *Cato*. For the later tradition of Cato see (among others) Tac. *Ann.* 16.22. Curatius Maternus' tragedy *Cato* also attests to this. Cf. Syme (1958) 104, 110, 140. In the case of Catiline, Bücher (2006) 314 finds that this exemplum is one of Cicero's creation more than anything else. For a thorough analysis of Cicero's use of Catiline as an exemplum see Robinson (1986) 83–175. In the case of Clodius, Steel (2005) 123 argues that one of Cicero's purposes for disseminating his speech *Pro Milone* was an attempt to control the memory

A more direct form of flattery (or criticism) could also involve reference to the notion of exempla. We have seen how Cicero argued that Verres was so extraordinarily evil that no historical exempla could be found as precedents for his actions.¹⁶⁵ The opposite was also a useful argument, namely that someone is so fantastically good that matching examples from the past are difficult to find.¹⁶⁶ This argument is developed further in Cicero's letter to Dolabella from 44 BC aimed at securing Dolabella to the side of the conspirators and not that of the Caesarians in the months following Caesar's murder:

There is no need for me to urge you to cherish the high standing and glory you have won. Why should I, in hortatory fashion, remind you of famous names? I can quote none more famous than your own. You yourself should be your model, it is yourself you have to emulate. After such exploits you no longer have the *right* to fall below your own standard. (7) Exhortation is therefore superfluous, felicitation rather is called for... (8) So you have rescued Rome from danger and her inhabitants from fear. You have done a vast deal of good, not only for the present occasion but as a precedent for the future. Having done that you should understand that the commonwealth rests upon your shoulders, and that those men from whose initiative freedom has sprung are deserving not only of your protection, but of your favour.¹⁶⁷

The idea of exemplarity permeates Cicero's argument. Dolabella is not just a good man, but he is exemplary to both himself and others in the present and in the future. Indeed there is no need for Dolabella to look to others for an exemplum to follow, as he constitutes his own exemplum. This idea almost contradicts the notion of exemplarity, but Cicero cleverly keeps it within the boundaries of exemplarity as Dolabella must make sure to stand as an exemplum for others. Cicero is thus not just praising Dolabella, but trying to convince Dolabella that he now acted on behalf of the *res publica* and with this act has committed him to act on behalf of the *res publica* in the future as well. Otherwise, Dolabella would be acting out of character. Unfortunately,

of his political enemy. See Robinson (1986) 35, 161; Bloomer (1992) 4–5; Riggsby (2002) 167 for Cicero's role in creating a standard catalogue of exempla used by later authors.

¹⁶⁵ See discussion at the beginning of this chapter.

¹⁶⁶ See, e.g., Cic. *Fam.* 10.16.1.

¹⁶⁷ Cic. *Att.* 14.17a.6–8 = *Fam.* 9.14.6–8: *Qua re quid est quod ego te horter ut dignitati et gloriae servias? proponam tibi claros viros, quod facere solent qui hortantur? neminem habeo clariorem quam te ipsum. te imitare oportet, tecum ipse certes. ne licet quidem tibi iam tantis rebus gestis non tui similem esse. (7) quod cum ita sit, hortatio non est necessaria, gratulatione magis utendum est... (8) Liberasti igitur et urbem periculo et civitatem metu neque solum ad tempus maximam utilitatem attulisti sed etiam ad exemplum. quo facto intelligere debes in te positam esse rem publicam tibi que non modo tuendos sed etiam ornandos esse illos viros a quibus initium libertatis profectum est.*

Dolabella did not feel the restriction of character and exemplarity as strongly as Cicero had hoped and he went over to the Caesarians shortly afterwards.

A final rhetorical strategy involving exemplarity to be discussed here is the argument from probability. This argument was an ingenious combination of the orator's or author's *auctoritas* and the credibility of an exemplum and it was based on an assumption of some general characteristics of human nature. Therefore, the (perceived) constancy of character of the person in question was crucial for the success of such an argument. This type of argument was developed by Greek orators and rhetoricians and soon taken up by the Romans.¹⁶⁸ Cicero uses this rhetorical strategy in several of his speeches, most elaborately in his defence of Flaccus.¹⁶⁹ The argument in the *Pro Flacco* is based not on facts—they would have condemned Flaccus—but on an argument from probability concerning Flaccus' good intentions and morals. Throughout the speech Cicero generally evades argumentation based on formal legal matters, because it would be impossible to defend the guilty Flaccus on those grounds. Instead, Cicero refers, first, to Flaccus' general good behaviour and goodwill to the state and, second, to specific exempla supporting the actions of Flaccus.¹⁷⁰ Relying on his own *auctoritas* and the notion of constancy in his client's character, the orator cleverly uses the idea of exemplarity to project his client's previous actions as both exemplary and indicative of his current and future actions, and thereby persuade the audience of his client's innocence or the opposing client's guilt.

The importance of *auctoritas*

The reception of a historical exemplum depended not only on the audience's familiarity, or lack of familiarity, with the historical figure and on the orator's or author's presentation, but also on the authority, *auctoritas*, of the exemplum as such. Earlier in the analysis we have seen how Cicero maintains that the *maiores* in general possess *auctoritas*.¹⁷¹ Cicero also argues that the success of historical exempla employed in oratory depended on the *auctoritas* they were seen to hold.¹⁷² Cicero takes up the issue of *auctoritas* and its foundation in the *Topica*:

¹⁶⁸ May (1988) 9–11; Kennedy (1994) 24–5, 67–8, 105–6.

¹⁶⁹ For a good discussion of Cicero's rhetorical strategy as based on his own persona see May (1988) 79–87.

¹⁷⁰ Cic. *Flac.* 2, 5, 6–8, 94–6, 100–1, 102–3. For similar arguments from probability see Cic. *Verr.* 1.10–12, 1.29; *Leg. Man.* 27–35, 43–6; *Sull.* 72–5; *Cael.* 72–80; *Balb.* 5–6, 13; *Font.* 41–3.

¹⁷¹ Cic. *Inv. rhet.* 1.101; *Nat. D.* 3.7, 3.9, discussed in Chapter 2.

¹⁷² Cic. *Inv. rhet.* 1.49; *Rhet. Her.* 2.48, discussed in Chapter 5. See also Cic. *Verr.* 2.3.210–11 discussed in the introductory section of this chapter. For Cicero's application of his own *auctoritas* see May (1988) *passim*.

... to create belief authority [*auctoritas*] is needed, and authority is conferred either by nature or by time. The greatest authority belonging to nature lies in virtue; in the field of time there are many things which can confer authority: talent, power, age, one's fortune, skill, practice, necessity, occasionally also the fortuitous combination of events. For people think that men of talent or wealth, or those whom time has tested, are worthy of credit; perhaps this is not right, but the opinion of the many can hardly be changed, and those who judge as well as those who make assessments form all their views with reference to it. For everyone who excels in the respects I have mentioned is believed to excel through virtue itself.¹⁷³

Cicero argues that *auctoritas* is based on different factors and that the external factors such as wealth and age can cover up for the lack of virtue, which otherwise is the most important factor for possessing *auctoritas*. Therefore, the audience or the people can regard somebody as virtuous and exemplary even if he is not living up to this title. Instead of lamenting this fact, Cicero accepts it as a precondition for public speaking or writing and perhaps even as a challenge and chance for the orator and author to show his skill; the audience's false presumptions must simply be taken into account when preparing a speech or written piece. This passage shows the importance of adapting a speech to the audience including, by implication, the importance of adapting the use of (historical) exempla in order to suit the audience's preconceptions. Furthermore, Cicero seems to suggest that it is the perception of an exemplum's constancy of character which is crucial for the *auctoritas* and credibility of the exemplum rather than the actual existence of constancy. This observation is, in other words, that of the realistic politician by contrast to the moral philosopher's warning in the *De officiis* against selecting personal exempla who are only seemingly good.¹⁷⁴

Hellegouarc'h has argued that *auctoritas* is a uniquely Roman concept which signifies the standing and status of a Roman achieved through the exercise of public office—religious, military, or political. The people have entrusted their social well-being (represented in these offices) in the hands of the magistrate as a sign of trust, *fides*, and as a reward for his good management of his office and thereby the honouring of the people's *fides*, he is regarded as possessing *auctoritas*. *Auctoritas* can be passed down in families,

¹⁷³ Cic. *Top.* 73 (text and transl.: Reinhardt (2003)): *ad fidem enim faciendam auctoritas quaeritur; sed auctoritatem aut natura aut tempus adfert. Naturae auctoritas in virtute inest maxima; in tempore autem multa sunt quae adferant auctoritatem: ingenium, opes, aetas, fortuna, ars, usus, necessitas, concursio etiam non numquam rerum fortuitarum. Nam et ingeniosos et opulentos et aetatis spatio probatos dignos quibus credatur putant; non recte fortasse, sed vulgi opinio mutari vix potest ad eamque omnia dirigunt et qui iudicant et qui existimant. Qui enim rebus his quas dixi excellunt, ipsa virtute videntur excellere.*

¹⁷⁴ Cic. *Off.* 1.115–21 discussed in the section on choice of historical exemplum.

and families who often had members in public office accumulated *auctoritas*, which helps to explain the status of *nobilis* families. Hellegouarc'h says that *auctoritas* is maintained beyond death, hence the value of references to historical exempla. In other words, references to figures from the past, who were known to or thought to have possessed *auctoritas*, built on this *auctoritas* to lend credibility to the argument. The fact that *auctoritas* could be inherited within families supports the notion of the public value of family exempla. Indeed, inherited *auctoritas* can be employed to obtain and exercise public office and thereby result in further accumulation of *auctoritas*.¹⁷⁵

Cicero expands his explanation of the function of historical exempla as authoritative guides to conduct in the *Topica*. He again stresses that perception of virtue can lend a false sense of authority to an example, but then goes on to mention a few historical exempla which can indeed be trusted as virtuous: Cato, Laelius, and Scipio. Furthermore, he emphasizes that not only politicians and magistrates, but also orators, philosophers, poets, and historians can be used as authority to win conviction.¹⁷⁶ This last point is interesting as these are categories which Romans might have viewed with more suspicion than the Greeks. Might it be that Cicero in a rhetorical treatise can allow himself to carve out *auctoritas* for these categories because his readership was more educated and interested in the liberal arts? In other words, is he here not forced to appear as the traditional Roman in order to be convincing? Moreover, by including perpetrators of intellectual pursuits as authoritative exempla, might Cicero also seek to carve out *auctoritas* for himself when acting in these roles?

A historical exemplum presented had to possess (perceived) *auctoritas* in order to lend credibility to the argument. However, the orator or author employing an exemplum had himself to hold, or be understood to hold, *auctoritas*, otherwise his credibility and thereby his case would suffer. The foundations for *auctoritas* explained in the *Topica* accounted just as much for the orator or author as for his historical exempla. Once achieved, an orator's or author's *auctoritas* had to be sustained partly through maintaining a certain level of (apparent) consistency in his actions and views. In short, the *auctoritas* of an exemplum can enhance the *auctoritas* held by the orator, who is then forced into an exemplary position in order not to lose the accrued

¹⁷⁵ Hellegouarc'h (1963) 295–314, 330–5 (303 briefly on *auctoritas* of exempla); shorter discussion in Lind (1979) 29–34. Stemmler (2000) 151, 155, 158 discusses the *auctoritas* of historical exempla.

¹⁷⁶ Cic. *Top.* 78. Cf. *Tusc.* 5.54–6 for the same point, Cinna being the perceived good character, Laelius the truly good character. Marius contains both good and evil and is thus a more difficult exemplum to employ.

auctoritas. Indeed, Cicero criticizes Clodius for acting inconsistently,¹⁷⁷ and he himself strove to come across as a consistent politician. In the third *Verrine* speech, Cicero argues that if one is publicly expressing criticism of other men's characters and actions, he cannot expect any mercy with regard to his own conduct. Cicero illustrates his point with an anecdote about the orator L. Licinius Crassus who often regretted his prosecution of C. Carbo which left him open for criticism.¹⁷⁸ In other words, the orator (or author) had to think of his person as perceived by his audience in order not to seem inconsistent and untrustworthy, and he had to account for views expressed in the past.¹⁷⁹ However, when Cicero speaks of himself as acting in a role and character (*personam et partes*) he does not seem to mean that he dons a new character whenever he speaks, but more likely that his character should not only seem, but indeed be, constant, at least to the same audience.¹⁸⁰

Cicero himself had to answer to the criticism of inconsistency. In the speech *Pro Cluentio*, he defends previously expressed views in another trial by admitting that his client's case in this earlier trial was so weak that he had to use every possible argument in his favour, and by maintaining that he, as an advocate, had to tailor his argument and his views according to the case even if he did not agree and later expressed contradictory views. In other words, he changed opinion retrospectively.¹⁸¹ This passage indicates both the prevalence of flexibility in the arguments put forward, but also that Cicero, in this instance, had misjudged the extent to which he could bend the arguments. Cicero was extremely conscious of his public figure and that he should strive to keep it consistent and constant in order not to confuse people and thereby maintain his credibility.

The close connection between the orator's (or author's) authority and the constancy in his actions and publicly expressed views provides a further

¹⁷⁷ Cic. *Dom.* 21.

¹⁷⁸ Cic. *Verr.* 2.3.1–3. See also Cic. *Div. Caec.* 27 for the same point.

¹⁷⁹ For other instances of this notion see Cic. *Fam.* 5.16.5 (to Titius where Cicero argues that Titius has presented a consistent character of himself in both public and private, which requires Titius to follow this set pattern in future), *Fam.* 6.12.5, 3.10.8 (to Appius Claudius in which Cicero argues from previous actions as an indication of present inclination; thus, previous actions stand as proof of his character and feelings towards Appius Claudius), *Fam.* 1.9.11 (in which Cicero argues that a small deviation from character should not give him a reputation for inconsistency).

¹⁸⁰ Cic. *Har. resp.* 61. See Morstein-Marx (2004) 274–5 for a discussion of the orator's credibility in front of various audiences.

¹⁸¹ Cic. *Clu.* 139 with Burnand (2000) 109–15; Burnand (2004) especially pages 277–8; Paterson (2004) 82–3; Harries (2006) 142–3. The admission of grasping for the best possible argument in legal cases owes much to *stasis* theory, which provided the orator with a set of arguments of declining persuasive force. For *stasis* theory see the section 'The choice of historical exempla' in this chapter.

aspect of exemplarity: by acting in character or airing consistent opinions, the orator or author sets himself up as a credible future exemplum. Furthermore, his *auctoritas* can be enhanced by his choice of exempla, functioning as support for his argument and as models for his own behaviour, and in this way the right choice of exempla can become exemplary in itself.¹⁸² The moral-didactic function of exempla is indeed wide-ranging.

We have seen that historical exempla could be used with great flexibility by a skilled orator or author, but also that he would have to know the ways in which to balance his use of history on the fine line between exploiting the flexibility of historical exempla and maintaining his oratorical or authorial credibility. The ability to measure the historical knowledge and understanding of the audience was an important part of preparing a persuasive argument, whether in speeches, letters, or theoretical works. Cicero's oratorical successes suggest that he was very able in terms of speeches. The persuasiveness of his letters and treatises is more difficult to ascertain, indeed some letters were clearly not successful, but given the fact that he employed his rhetorical skills in these genres too, these works were probably largely persuasive. However, what is interesting for the question of Cicero's use of historical exempla is not so much the precise historical knowledge of his audience, but rather his ability to play around with this knowledge. Combining his own broad knowledge with his superb rhetorical skills, Cicero could both flatter his audience and present himself as an authoritative guide to them, and anything in between. Cicero clearly knew when to adopt the most useful and appropriate tactic.

THE IMPORTANCE OF GENRE

In the attempt to understand Cicero's choice and use of historical exempla, the possible importance of genre needs to be considered, especially considering the fact that the Greeks and Romans themselves divided literary works into genres and categories.¹⁸³ Cicero's works are traditionally divided into the genres of speeches, letters, and treatises, meaning his rhetorical and

¹⁸² Cf. Cic. *Q Fr.* 1.1.10 where Cicero praises Quintus' two legates, Tubero and Allienus, for making good choices of exempla to follow, thus suggesting that taking a good example for one's conduct is exemplary in itself, because it shows good judgement and good morals.

¹⁸³ Fantham (1996) 17–18; Braund (2002) 257–62. For a general discussion of genre in literature of all ages see Fowler (1982).

philosophical works, broadly speaking.¹⁸⁴ Cicero himself argues that rhetorical and philosophical works should be taken as one genre.¹⁸⁵

There are clear differences in the number, choice, and employment of historical exempla between these three genres. Whereas the speeches and the treatises display a wealth of historical exempla, Cicero's many letters contain relatively few. Within the speeches, Cicero employs mostly historical exempla of Roman origin and not very many Greek exempla. By contrast, the theoretical works contain many historical exempla of non-Roman, mostly Greek, origin.¹⁸⁶ Several factors may have influenced these variations: audience (actual and intended), a factor linked to the genre;¹⁸⁷ the immediate and long-term purposes of Cicero such as persuasion of his audience(s) and projection of his own public persona and political stance; Cicero's historical knowledge; and the subject matter. These factors will be considered as possible explanations for the variations in Cicero's use of historical exempla between and within genres.

Speeches

Cicero's choice and employment of historical exempla vary greatly in the different speeches, and it may be helpful to further distinguish between various subgenres within the oratorical corpus such as forensic and political speeches, within forensic speeches between civil and criminal cases and between prosecution and defence speeches, and within political speeches between Senate speeches and speeches delivered to the people in the *contio*. There may also be a development in Cicero's usage over time seen overall. Bücher has conveniently collected all the Roman exempla in Cicero's speeches by exemplum, speech, and the collective number of exempla in each speech.¹⁸⁸ His overview excludes most of the relatively few non-Roman

¹⁸⁴ I have not included Cicero's poetry as a separate genre as there are only few and brief fragments. Steel (2005) 33 argues against categorizing Cicero's treatises as consisting of rhetorical and philosophical works, since Cicero wrote historical treatises, laudatory works, funerary orations, and other works outside these two categories. As most of these non-rhetorical and non-philosophical works do not survive, I have decided to maintain the categories of rhetorical and philosophical works in this study, which can only take into account extant works.

¹⁸⁵ Cic. *Div.* 2.4.

¹⁸⁶ Greek exempla in delivered defence speeches: Cic. *Rosc. Am.* 70; *Clu.* 32; *Arch.* 20–1; *Sest.* 48, 141; *Scaur.* 3–4; *Rab. Post.* 23; in undelivered speeches: Cic. *Mil.* 80; in letters: Cic. *Att.* 4.6.2, 5.20.3, 7.12.2, 8.2.4, 10.8.4, 10.8.7, 12.40.2, 15.1a.2; *Fam.* 2.10.3; *Ad Brut.* 1.15.3, 1.15.11. The Greek exempla in the theoretical works are too many to list here.

¹⁸⁷ 'Audience' should be understood in broad terms including readership and later reception.

¹⁸⁸ Bücher (2006) Anhang III.

exempla, and seems not to distinguish sharply between (moral) historical exempla and legal precedents, but takes all these references under one heading as exempla. These two differences from my approach to historical exempla makes Bücher's overview only indirectly relevant to my analysis, but his overview can still give a hint as to the level of exempla used in the different speeches. Given that the aim of this analysis on Cicero's use of historical exempla in general is meant only to provide a background to the analysis of Cicero's personal exempla, it will not be possible to provide extensive or very thorough analyses of Cicero's historical exempla in individual works. But a few case studies will be used to convey an overview of possible differences and similarities between his usages in the various genres of his oeuvre.

If we distinguish between speeches delivered as part of a court case (forensic) and speeches delivered in the Senate or a political assembly (a *contio*), no clear pattern in the number and distribution of historical exempla appears, which suggests that the distinction between forensic and political speeches is too crude to say anything useful about Cicero's usage of historical exempla. In the employment of historical exempla, ideally one would like to compare two speeches which are similar in all aspects but for the occasion at which it was held so as to distil possible differences between a forensic speech and a political speech. However, it is difficult to find such a set of speeches, but perhaps the closest we can get is the speeches delivered shortly after Cicero's return from exile. The political speech could be the *Post reditum in senatu* and the forensic speech the *Pro Sestio*. Both would have been delivered to an upper-class audience (the Senate and the senatorial-equestrian jury) and within the same period of Cicero's (perceived) political independence, and both addressed the same issue of Cicero's exile and return.¹⁸⁹ Focusing on one historical exemplum employed in both speeches, it may be possible to see if the different kind of speech made an impact on the usage of this exemplum. In both speeches, Cicero makes extensive use of the historical figure Q. Caecilius Metellus Numidicus (cos. 109 BC). A full analysis of Cicero's employment of Metellus Numidicus as a personal exemplum will follow in Chapter 8, but it is still helpful to make a few general remarks on his use here.

In both speeches, Cicero employs the historical exemplum of Metellus Numidicus, especially his exile and recall, to make the same main points. By comparing Metellus' motivations for going into exile and the circumstances

¹⁸⁹ Within this period, Cicero also delivered other speeches, but these are less well suited to this analysis. The *Post reditum ad populum* addresses the people, and this seems to have affected Cicero's usage as I will go on to discuss below. The *De domo sua* addresses the priestly colleges of *pontifices*, again a different kind of audience and occasion, and the *De haruspicum responsis* again deals with a different subject matter.

around his recall to those of his own exile and recall, Cicero argues: first, that his own exile was precedented and virtuous; second, that his own recall was supported by everybody including the Senate, the *equites*, the people, and all Italy; and, third, that his own exile and recall was extraordinary, which proved his own extraordinary achievements on behalf of the state.¹⁹⁰ There are only subtle differences in the use of Metellus' exemplum between the two speeches. In the *Pro Sestio*, Cicero is more critical of Metellus' motivations for going into exile (37), Cicero exploits the family relations between the presiding judge, M. Aemilius Scaurus (pr. 56 BC), and Metellus (37, 39, 101), and applies much more emotional appeal in his description of Servilius' speech, exhorting the then consul, Metellus Nepos, to remember his ancestor Numidicus and end his obstruction of Cicero's recall (130) than he did in the parallel passage in the *Post reditum in senatu* (25).

The similarities in Cicero's choice of Metellus and the main points made about Metellus indicates the importance of subject matter and the political situation in which Cicero had to defend his own position. Indeed, Cicero tries to explain himself not only in his speech of thanks to the Senate, but also in the court case defence of Sestius, who had been one of the prime movers in Cicero's recall. The political motivation behind Sestius' prosecution helps to explain the similarities in Cicero's argumentation and, as part of that, his use of Metellus' exemplum. The differences may be explained, at least partly, by different contexts. The *Post reditum in senatu* was a speech of thanks, a general defence of Cicero's record with no immediate action required of the audience. The speech in defence of Sestius, however, had as its main aim the acquittal of Sestius, and Cicero had to persuade his audience to take this action. There is plenty of emotional appeal in both speeches, but in the *Pro Sestio* Cicero exploits the more personal appeal to Scaurus' ancestry and exploits further the impact of *pathos* on the consul Metellus Nepos. This kind of personalized emotional appeal would have been very effective in a court case but probably less so in a speech of thanks to the Senate, where Cicero could not direct his appeal at any specific individual. Cicero may also have fine-tuned his version of the story surrounding his exile and recall, after a few months of feedback and comment from various audiences. Despite the different purposes of these two speeches, the use of Metellus Numidicus' exemplum in general in the two speeches is very similar. This is not surprising as both speeches were delivered in heavily politicized contexts, but it is nevertheless striking that the difference is so small. This suggests that the factors involved in the choice and employment of historical exempla is not primarily the broad context of Senate speech

¹⁹⁰ Cic. *Red. Sen.* 25, 37–8; *Sest.* 37–9, 130.

or forensic speech, with their different audiences, but more one of specific context and subject matter to be discussed.

Within forensic speeches, a very slight tendency can be gleaned between the usage in civil court cases and criminal court cases.¹⁹¹ In his civil cases, Cicero tends to use fewer historical exempla, although he often employs a wealth of legal precedents. Speeches in criminal cases more often contain historical exempla and sometimes a great number as in the cases of the *Pro Murena*, *Pro Sestio*, and *Pro Plancio*. The speech in defence of Roscius from Ameria on the charge of murder, a criminal case, is one of the few exceptions in that it contains very few historical exempla, but Riggsby has argued that the charge of murder lent itself better to universal arguments than to arguments supported by specific historical exempla.¹⁹² If we are to conclude anything on this tendency, it seems that the difference in subject matter may have played a part in Cicero's usage of historical exempla. Criminal cases often involved larger political issues for which famous historical exempla could be found and employed with benefit. They also often involved senators of famous families which made references to past senators, family members, or generally high-ranking Romans of the past more relevant. In the civil cases taken on by Cicero, the defendants were mostly not well-known members of society and the issues at hand were more important to the individuals involved than to society at large. These were generally not high-profile cases and Cicero may therefore have chosen to focus on the legal aspects of the case rather than political implications exemplified by past individuals. This conclusion is supported by Cicero's letter to Papirius Paetus in which he argues: 'Even for the courts we don't have just one style. In pleading civil cases, unimportant ones, we put on no frills, whereas cases involving status or reputation naturally get something more elaborate.' (*quin ipsa iudicia non solemus omnia tractare uno modo. privatas causas et eas tenuis agimus subtilius, capitis aut famae scilicet ornati.*)¹⁹³ 'No frills' could mean 'no historical examples', which could be considered elements in a more elaborate style. The fact that Cicero took on most of these civil cases early in his forensic career when he

¹⁹¹ Civil cases: *Pro Quintio*, *Pro Roscio Comoedo*, *Pro Tullio*, *Pro Caecina*. Criminal cases: *Pro Roscio Amerino*, *In Verrem* 1 and 2, *Pro Fonteio*, *Pro Cluentio*, *Pro Cornelio*, *Pro Rabirio perduellionis reo*, *Pro Murena*, *Pro Sulla*, *Pro Archia*, *Pro Flacco*, *Pro Sestio*, *Pro Caelio*, *Pro Balbo*, *Pro Plancio*, *Pro Scauro*, *Pro Rabirio postumo*, *Pro Milone*. Other cases which are different in kind: *In Vatinius*, *Pro Marcello*, *Pro Ligario*, *Pro rege Deiotaro* (the latter prosecuted on a criminal charge but judged solely by Caesar the dictator and not a panel of judges). For details of the individual cases see Alexander (1990); for an overview of Cicero's forensic speeches see Powell & Paterson (2004) Appendix.

¹⁹² Riggsby (1999) 59–62.

¹⁹³ *Cic. Fam.* 9.21.1.

was not as well-known an advocate also helps to explain the relatively low number of historical exempla employed in his earlier speeches compared to later ones. His low *auctoritas* may not have allowed him to employ exempla on a large scale, although it might have been a way in which he could prove his credentials. Given that Cicero had gone to great lengths to be fully educated before his entry on the public scene, immaturity of style or lack of historical knowledge seem less plausible explanations to this tendency. Cicero's choice of rhetorical strategy in each individual case seems to be the main factor influencing his use of historical exempla.

Another way of cutting the cake of forensic speeches is to distinguish between prosecution and defence speeches. General observations on the use of historical exempla between these two kinds of speeches are, however, problematic given the fact that only the *Verrine* speeches can be counted as prosecution speeches, whereas we have a much larger number of defence speeches delivered by Cicero.¹⁹⁴ Instead of looking for a quantitative difference in numbers, we can instead look for a possible qualitative difference in Cicero's usage of historical exempla. Cicero's first *Verrine* speech, which was delivered, can productively be compared to the defence of Flaccus because Verres and Flaccus were prosecuted under the same charge of extortion in their proconsular provinces.

In the section on family exempla, we saw that historical exempla are useful devices in both prosecution and defence. This theory is confirmed by Cicero's practice. However, the selection and employment of historical exempla in these two speeches (against Verres and for Flaccus) seem not to be a result of the particular occasion of prosecution or defence but rather a result of the rhetorical strategy chosen by Cicero. In his first speech in prosecution of Verres (the *actio prima* which was delivered), Cicero mostly discusses facts provided by his own investigation and by witnesses produced in court, whereas in his defence of Flaccus, he generally evades argumentation based on formal legal matters, because it would be impossible to defend the guilty Flaccus on those grounds. Instead, Cicero refers to Flaccus' general good character and goodwill to the state proven by his previous actions, most notably against the Catilinarian conspirators, and by his good ancestry, allegedly being a descendant of the P. Valerius Publicola who helped expel Tarquinius Superbus and of several other consular Valerii.¹⁹⁵ This argument

¹⁹⁴ This difference is due to the forensic culture in Rome which held that defence was honourable and prosecution less so, even if it could give instant fame if successful, hence the many young men prosecuting in order to kick-start their careers. Cicero's prosecution of Verres falls relatively early in Cicero's career, yet see Cicero's own excuses for his wish to prosecute Verres in *Div. Caec.* 1, 70.

¹⁹⁵ *Cic. Flac.* 2, 5, 6–8, 94–6, 100–1, 102–3. The prosecutor in the Flaccus case, Laelius, modelled his accusation on that of Cicero's against Verres eleven years before, but Cicero's

from probability is the main argument in the speech and it follows the rhetorical schoolbooks to the point.¹⁹⁶ The second tactic employed by Cicero is references to specific exempla supporting the actions of Flaccus.¹⁹⁷ However, the argument from historical exempla is not used elaborately in support of Flaccus' actions but much more in support of Flaccus' character and to denigrate the trustworthiness of the prosecution witnesses and the motivation behind the prosecution. In particular, Cicero attacks the Greek prosecution witnesses from the province of Asia as greedy, traitorous, and mendacious, through simple assertion and examples of such behaviour.¹⁹⁸ In the speech against Verres, Cicero also employs an argument from probability to illustrate Verres' innate greed and violent nature.¹⁹⁹ Just as he avoids dealing with the question of Flaccus' guilt, so he takes Verres' guilt as a given and instead focuses on persuading the jury to dare convict Verres who was protected by powerful supporters among the senators. Accordingly, the historical exempla employed in the speech are not there to address Verres' guilt but instead the issue of the corruption of the courts as an argument for conviction of Verres. In this way, Cicero's choice of historical exempla is tailored to his audience of senatorial judges. In the *Pro Flacco* the argument is also tailored to his audience of senatorial and equestrian jurors: references to Flaccus' distinguished ancestry would have found favour with the senators and Cicero's avoidance of criticism of equestrian tax collectors (*publicani*) and businessmen in Asia (often *equites* or supported by *equites*), who could have taken some of the blame, may also be read as a nod to the equestrian jurors.²⁰⁰ Cicero's attack on the credibility of the Asian Greeks includes a number of historical exempla of Greek origin and, notably, of negative quality. The number of Greek exempla is negligible in the first *Verrine* speech, where most of the rather few exempla employed are Roman and positive. We shall return to the issue of Greek and Roman exempla below in the discussion of

successful defence of Flaccus supports the idea that it was not so much a matter of justice based on the facts as a matter of rhetorical skills which decided the case. Similarly, Cicero alleges that Hortensius intended to take a leaf out of M. Antonius' book defending M. Aquilius in his own defence of Verres: Cic. *Verr.* 2.5.3–14. For Antonius' defence see also Cic. *De or.* 2.124, 2.188, 2.194–5.

¹⁹⁶ Cic. *Inv. rhet.* 2.106–7; *Rhet. Her.* 3.13–15. See Kennedy (1994) 24–5, 66–7 who emphasises the general use of such arguments in both Greek and Roman oratory.

¹⁹⁷ Cic. *Flac.* 28–31.

¹⁹⁸ Cic. *Flac.* 40–93.

¹⁹⁹ Cic. *Verr.* 1.10–12.

²⁰⁰ There are very few direct mentions of the *publicani* and businessmen and they are positive (Cic. *Flac.* 11, 38) except for the character assassination of C. Appuleius Decianus whom Cicero portrays as a shady businessman with a personal grudge against Flaccus (Cic. *Flac.* 70–83).

historical exempla in the treatises, but here it remains to observe the difference in employment.

Despite being on different sides in the two cases, prosecution and defence, Cicero employs very similar rhetorical strategies in both speeches. The argument from probability is used to discredit the opponents or their witnesses whilst defending Cicero's own side. The question of guilt is not discussed at length and attention is instead steered towards the question of corruption of the courts or, in the *Pro Flacco*, the alleged political motivations behind the prosecution. The historical exempla used are there to testify to Flaccus' good ancestry and previous actions, forming part of Cicero's main argument from probability, or, in the case of Verres, to argue for the conviction of a man everybody recognizes as guilty. In other words, the selection and employment of historical exempla in the two speeches seem not so much related to the genre of prosecution speech or defence speech, but rather to the audience and the rhetorical strategy chosen by Cicero. The larger number of Greek historical exempla in the *Pro Flacco*, attacking the Greek prosecution witnesses, seems especially closely related also to Cicero's chosen rhetorical strategy rather than the nature of defending.

One category of historical exempla seems much more prevalent in prosecution or invective speeches than elsewhere: the references to non-existence of exempla as a proof of the abnormality of the accused or attacked and his actions. Verres, Piso, and Vatinius are all presented as extraordinarily evil in that they behaved in an unprecedented way. This feature is not found exclusively in prosecution or invective speeches, but it is a dominant theme in these.²⁰¹

In the analysis of Cicero's employment of the Gracchi as historical exempla, we saw that he tailored his interpretation of the brothers according to his audience. A senatorial audience heard the negative version while a popular audience in the *contio* heard a more positive version. Studies of other 'parallel speeches' delivered broadly on the same occasion and issue to both Senate and the people support the view that Cicero adapted his choice and employment of historical exempla to his senatorial and popular audiences.²⁰² The number of historical exempla employed in front of the two audiences seems not to differ dramatically.

This brief analysis of Cicero's historical exempla in his speeches suggests that various factors could affect his use. The audience addressed played a

²⁰¹ Cic. *Verr.* 2.3.74; *Vat.* 18, 36; *Pis.* 8–10. The *Verrines* were prosecution speeches, whereas the *In Vatinius* and *In Pisonem* were invective speeches. See also Cic. *Red. pop.* 5. The collection in Seager (2007) 26–7 of such passages supports the suggestion that such claims were more often found in invective and prosecution speeches.

²⁰² See discussion in the subsection 'The flexibility of exempla: the example of the Gracchi' in this chapter, which has references to these studies.

considerable part, especially a senatorial audience against a popular audience, as did subject matter. Cicero's main aim was persuasion and he therefore had to take the immediate audience into account. For the long-term projection of his own political stance and public persona, he had to consider a wider audience of a reading public of his speeches circulated in written form. As this study takes as a premise that Cicero did not dramatically revise his speeches for circulation, we can take the written versions of Cicero's speeches as representing roughly both his immediate and long-term purposes.²⁰³ The individual historical exempla chosen by Cicero are difficult to tie into a broader political strategy of promoting himself, but by winning his cases and persuading the Senate or people, Cicero could exude an image of brilliant oratory and political outlook in favour of the state and its people. For example, his prosecution of Verres and defence of Flaccus both endorse the supremacy of the Roman state over provinces, the interests of both Roman citizens and provincials, and the protection of the state against individual political interests whether they be those of Verres' senatorial supporters or those of the dynasts and their supporters. Subgenre in itself does not explain Cicero's usage of historical exempla, but the related factor of audience does to some extent, together with the less related factors of subject matter and aim with the speech. This again underlines the lesson that each historical exemplum must be read in its literary and historical context.

Letters

In approximately a thousand letters to his close friend Atticus, to his family, and to his political friends and acquaintances, Cicero employs a surprisingly small number of historical exempla when compared to the manifold exempla in his speeches and to the substantial number of exempla in his treatises. A single reason for this fact is hard to find, but it does suggest that genre and factors related to genre played a part in Cicero's employment of historical exempla.²⁰⁴

Within the letters, the use of exempla varies a great deal, but a particular pattern for this variation is difficult to discern. It is not the case that the letters

²⁰³ See discussion in the 'Introduction' and in Powell & Paterson (2004) 52–7.

²⁰⁴ Oppermann (2000) does not discuss the reasons for this difference, but refers to Schönberger (1914) 31–48, who argues that Cicero employs fewer historical exempla in his letters and when he does it is not with the purpose of persuading but of positioning himself as a man versed in literature (32), and with less rhetorical flavour than the use of exempla in his speeches and theoretical works (34–6). The following analysis will argue against this view. These two works can be consulted for general treatments of Cicero's use of historical exempla in his letters.

to Cicero's intimate correspondents, such as Atticus or his brother Quintus, contain more references to historical individuals or events. Nor do the letters to less close correspondents contain a significantly larger number of historical exempla. If there is any observation to be made, it would be that Cicero employs the most elaborate use of exempla in letters to people other than Atticus. It is not that the letters to Atticus lack references to historical exempla in general; only these are not discussing or displaying the nature of exempla as explicitly or at such length as passages in the other letters. Perhaps Cicero felt that he did not need to spell out his exempla as clearly to Atticus as to some of his other correspondents.²⁰⁵

In some letters, Cicero employs a whole range of historical exempla to argue his point of view. A case in point is Cicero's famous letter to P. Lentulus Spinther of 54 BC, in which Cicero attempts to explain his conduct and more specifically his collaboration with the dynasts—Pompey, Caesar, and Crassus—from spring 56 onwards.²⁰⁶ In the letter, Cicero, first, refers to his own exile as an exemplum to teach Lentulus a lesson of the unreliability of other people. Next, he refers to the historical exemplum of Cinna's period in power, the loss of the great example of curtailment of revolution by Clodius' acquittal in the *Bona Dea* trial and the example of the artist Apelles and his habit of leaving part of the statue uncut. Then Cicero discusses the historical exemplum of Metellus Numidicus' exile at length as a parallel for his own exile, before he goes over to Plato's discussion of the role of the philosopher in Athenian politics and the relation of this discussion to Cicero's own situation. This was relevant in Cicero's explanation of himself as a leading politician in the pocket of the dynasts. Finally, he refers to Scaevola Pontifex as a historical exemplum of firm proconsular conduct.²⁰⁷

This letter is filled with various uses of historical exempla, which is unusual for Cicero's letters. The general style of the letter is highly rhetorical, almost like a speech, and the elaborate use of exempla forms part of this style. Cicero clearly wanted to persuade Lentulus and probably also a wider audience of the legitimacy of his support of the dynasts from 56 BC onwards, in spite of his previous criticisms. Cicero needed to employ all his rhetorical tricks and to

²⁰⁵ This is not to say that Cicero did not sometimes have trouble persuading Atticus of his viewpoint. He and Atticus did not always agree and Cicero's letters to Atticus are full of persuasive attempts. Cicero sometimes even used the letters to Atticus to persuade himself. See also Hutchinson (1998) 22. An example of this persuasive technique: Cic. *Att.* 10.8.7.

²⁰⁶ Cic. *Fam.* 1.9.

²⁰⁷ This reference to Scaevola's proconsular conduct suggests that Cicero already in 54 thought of Scaevola as exemplary. In 51, Cicero would model his own proconsular edict on that of Scaevola: Cic. *Att.* 6.1.15. See discussion of Cicero's employment of Scaevola as a personal exemplum in the section 'In the mould of Scaevola: Cicero in Cilicia' in Chapter 8.

polish up the wording in order to convince an audience which might not be as sympathetic as Lentulus. This explains the more rhetorical argumentation in this letter as opposed to other more straightforward letters.

The same reason seems to lie behind the wording of Cicero's letter to Servius Sulpicius Rufus in April 45, in which Cicero answers Sulpicius' criticism of Cicero's excessive sorrow over Tullia's death. He rests his argument on a number of historical exempla of fathers who lost excellent children in order to argue that his situation is the worse because he cannot find consolation in public life given the present political situation.²⁰⁸ Cicero's rhetorical letter was a reply to a likewise rhetorical letter of Sulpicius in which Sulpicius employed philosophical ideas to convince Cicero of the insignificance of a single woman's death, and in which he tried to make Cicero think of his reputation which would suffer harm from such sorrowful conduct. Sulpicius' choice of high rhetorical style probably induced Cicero to adopt a similar style in order to answer the criticism most effectively. An element of competition probably also played a part. Cicero needed to show that he, too, could employ philosophical argumentation in high rhetorical style. Cicero's answer to Sulpicius was filled with historical exempla and we see again that Cicero employed elaborate exempla as a strong rhetorical device when the persuasive task was more difficult than usual. The fact that Cicero had been criticized by others for his excessive show of sorrow, as evidenced in other letters, suggests that Cicero's answer to Sulpicius was meant for a wider readership.²⁰⁹

The analyses of these two letters suggest that Cicero employed historical exempla in large numbers and with a high level of detail and sophisticated argumentation when he needed to persuade his correspondent and a larger audience of a particularly intricate point of view.²¹⁰ The use of exempla in the letters is less connected with the correspondent's identity and intimacy with Cicero and more with the difficulty of persuasion faced by Cicero.²¹¹ As such, Cicero's use of historical exempla was not determined by a specific audience,

²⁰⁸ Cic. *Fam.* 4.6.1–2. See Treggiari (1998) on Cicero's grief.

²⁰⁹ Cic. *Fam.* 4.5 (Sulpicius to Cicero); 5.14.2–3 (Lucceius to Cicero). For a detailed analysis of this passage, the implications for the usage of exempla and its reflections of Cicero's attempts to build up a public persona see Wilcox (2005b), and for further thoughts on the competition for public and political prestige exercised through letters of consolation see Wilcox (2005a). For the correspondence between Sulpicius and Cicero see Hutchinson (1998) 65–77. Hutchinson does not discuss specifically the question of a wider audience.

²¹⁰ Schönberger (1914) 43 goes against this view, but see Oppermann (2000) 295 for support. For a third letter in which this technique can be observed see Cicero's letter to the historian Lucceius: Cic. *Fam.* 5.12.

²¹¹ Cf. Oppermann (2000) 246–91 for a similar conclusion.

but more by the specific situation in which he was writing and the specific points he wanted to make, thereby directing his rhetorical strategy.

From the reading of Cicero's letters, it is clear that most of them are, like his circulated speeches, a communicative means integrating sophisticated, persuasive arguments. The great orator could not dismiss his grasp of audience, language, and style when writing letters, and therefore his use of historical exempla in the letters is very controlled. This may be part of the reason for the difficulty in distinguishing the choice and employment of historical exempla in the letters to Atticus (and Quintus) from that in the letters to less close friends and political connections. The relatively low number of historical exempla in the letters, compared to the speeches and treatises, may be connected to the genre itself, but perhaps more specifically to the content matter and recipient concerned. In letters containing a straightforward or immediate message, Cicero may have decided not to include exempla and instead work with other persuasive techniques. Similarly, he may have deemed his correspondent less appreciative of historical exempla. The reading of Cicero's letters suggests that such exempla were most useful in very rhetorical arguments.

Treatises

Cicero's theoretical treatises on rhetorical and philosophical themes are different in the choice and use of historical exempla from his speeches and letters. First, in these treatises, the exempla are employed more to illustrate different points, mostly on rhetoric and philosophical notions, than in the other genres. This is hardly surprising. Second, there are many more Greek exempla than in Cicero's speeches and letters, as noted above. Third, Cicero includes more references to works of other authors and uses more references to legendary stories.²¹² The number of exempla, including historical exempla,

²¹² Although the *De officiis* shares these characteristics to a certain extent, this work could also be seen as an exception in its focus on moral aspects of interaction in Roman society, rather than theoretical questions of philosophical or rhetorical character, and in its use of Roman historical exempla; for more discussion see Heilmann (1982). References to literary works: Cic. *Fin.* 2.87, 2.92, 5.28–9, 5.32, 5.49, 5.63; *Tusc.* 1.65, 1.93, 1.107, 2.1, 2.20–5, 2.33, 2.48–9, 3.18, 3.26, 3.29, 3.39, 3.58, 3.63, 3.65, 3.71, 4.25, 4.35, 4.48, 4.67, 4.71, 4.73, 4.77; *Nat. D.* 1.79–80, 2.65, 2.89–90, 3.41, 3.91; *Div.* 1.24, 1.40–5, 1.65, 1.66, 1.72, 1.87–8, 1.114, 1.115; *Sen.* 20, 36, 39, 50, 54, 59, 73, 79–81; *Amic.* 93–5, 98; *Acad. Pr.* 51, 52, 66, 88, 89, 135; *Off.* 1.30, 1.48, 1.51, 3.38–9, 3.102, 3.108. Cicero both mocks and uses exempla from literature in *De divinatione*: Cic. *Div.* 2.25, 2.82, 2.112, 2.116. Legendary stories used to exemplify or illustrate: Cic. *Fin.* 2.79, 3.66, 4.29, 4.31, 5.55; *Tusc.* 1.10, 1.28, 1.32, 1.85, 1.92, 1.98, 1.105, 1.113, 1.114–15, 2.19, 2.67, 3.11, 4.3, 4.17, 4.27, 4.52; *Nat. D.* 1.78, 1.107, 2.60, 2.64, 2.71, 3.5, 3.42, 3.67–9, 3.70, 3.71; *Div.* 1.89,

differs widely in these works. In general, the number seems to depend on the nature of the work. In highly theoretical works fewer exempla are employed than in works where the theory is expounded through a dialogue between interlocutors sprinkling their argument with exempla, behaving almost like orators.²¹³

Given the frequency of Greek exempla in the treatises, it makes sense here to look further into Cicero's choice between Greek and Roman exempla as a possible vehicle for understanding the impact of genre, audience, subject matter, and purpose of writing on Cicero's choice of historical exempla. In the *De divinatione*, Cicero himself singles out Roman exempla as especially useful and delightful, implicitly setting them apart from exempla of non-Roman origin, suggesting the mileage in looking at such a distinction between Greek and Roman exempla.²¹⁴ However, when Cicero in the *Tusculanae Disputationes* claims to prefer Greek over Roman exempla it seems to be specifically tied into his current discussion of Aristides.²¹⁵

In these treatises, and in particular in the *De oratore*, Greek orators and philosophers are presented as models for imitation.²¹⁶ This is not surprising given that rhetoric and philosophy were considered Greek disciplines in Rome, so that the Romans had to look for exempla among the Greek predecessors in these fields. Indeed, the presence of Greek exempla in Cicero's rhetorical handbook, the *De inventione*, indicates that school rhetorical training taught the Romans to look for Greek examples in these fields.²¹⁷ In other words, the subject matter may to some extent have influenced Cicero's choice of genre (treatise, dialogue), but given Cicero's inventiveness in treating subjects in unconventional or even new genres, he may have felt less restricted

1.107–8, 2.9, 2.115; *Sen.* 55–6, 60–1, 83; *Amic.* 75; *Acad. Pr.* 89; *Off.* 1.32, 1.97, 1.113, 3.38–9, 3.41, 3.94–5, 3.97–8.

²¹³ Many historical exempla in *De inventione*, *De oratore*, *Brutus*, *Orator*, *De republica*, *De legibus*, *De finibus*, *Tusculanae disputationes*, *De divinatione*, and *De officiis*. Fewer historical exempla in *De natura deorum*, *De fato*, *De senectute*, and *De amicitia*. Few historical exempla in *Paradoxa Stoicorum*, *De Optimo Genere Oratorum*, *Partitiones oratoriae*, and *Topica*.

²¹⁴ Throughout the second book of *De divinatione* and more specifically in *Cic. Div.* 2.8, 2.82. Wardle (2006) 92 argues that the division of exemplary material into Roman and other was even more pronounced in the works of Valerius Maximus and Cornelius Nepos.

²¹⁵ *Cic. Tusc.* 5.105.

²¹⁶ Greek exempla of orators, philosophers, and politicians: *Cic. De or.* 1.28, 1.42, 1.50, 1.58, 1.63, 1.88–9, 1.126, 1.204, 1.231–3, 2.58, 1.260, 2.94, 2.270, 2.299, 2.351, 2.360, 3.15, 3.21, 3.28, 3.35, 3.59, 3.60, 3.67, 3.70, 3.71–2, 3.122, 3.126–7, 3.128–9, 3.139, 3.173, 3.194, 3.213; *Tusc.* 5.91, 5.97–101, 5.108; *Orat.* 6, 15, 22–4, 26, 56, 104–5, 131–3, 136, 226; *Brut.* 35, 121, 191, 289–90; *Opt. gen.* 6, 10, 13, 17.

²¹⁷ For discussion of the use of examples in Greek rhetoric see Alewell (1913) and Price (1975); for use of examples in Greek and Roman rhetorical education see Russell (1983) 106–28 and Morgan (1998) 190–226, esp. 219–21.

by traditional ideas about appropriate genres for specific subjects.²¹⁸ Nevertheless, the field of Greek historical exempla was much broader and authoritative, even for Romans, in the fields of philosophy and rhetoric.

In the *De divinatione*, Cicero expresses a preference for Roman exempla, and in the *De officiis* he argues that non-Roman exempla are particularly useful for negative lessons.²¹⁹ These views seem to contrast with Cicero's widespread and positive references to Greek historical exempla in the theoretical works in general. How are we to explain this dissonance? Modern scholars have often searched for Cicero's general attitude to Greek culture in his interlocutors' direct expressions of preference or censure of things Greek in the rhetorical works, implicitly or explicitly taking the view of the interlocutors as representative of Cicero's view.²²⁰ In particular, the remarks of Crassus in the *De oratore* have been noted as an indication of Cicero's attitude: 'When I argue, in my daily conversations, that the wisdom of our people surpasses that of all others, especially that of the Greeks, I always have a lot to say on this particular point.' (*de quo multa soleo in sermonibus cotidianis dicere, cum hominum nostrorum prudentiam ceteris omnibus et maxime Graecis antepono.*)²²¹ However, Cicero himself recognized that Crassus' attitude was more of a public mask than a real mistrust of the Greek cultural heritage.²²² Crassus' view of Roman superiority is followed by the interlocutor Catulus' criticism of the sophistry of the Greek orators and philosophers.²²³ However, the many positive references to Greek exempla in Cicero's theoretical treatises go against this view. In these treatises, Cicero generally presents the relationship between Greek and Roman culture as one of competition.²²⁴

²¹⁸ Steel (2005) 21, 47–8.

²¹⁹ Cic. *Div.* 2.8; *Off.* 2.26. Cf. *Div.* 5.105 for a more positive appraisal of Greek exempla.

²²⁰ Petrochilos (1974) 33, 194; Leeman (1983) 352–5; Leeman (1985) 45; Gruen (1992) 266–8; Hall (1996) 96, 99; Wisse (2002a) 336–7; Zetzel (2003) 129, 131; Fantham (2004) 28; Gildenhard (2007a) 8–17, 76–8 with different conclusions.

²²¹ Cic. *De or.* 1.197 (transl.: May & Wisse (2001)). With references to similar expressions in Cic. *De or.* 1.15 and *Tusc.* 1.1, Leeman *et al.* (*M. Tullius Cicero. De oratore Libri III*, Kommentar vol. II, Heidelberg 1985, *ad loc.*) think that this is not only the view of Crassus but also of Cicero. Schönberger (1914) 32–4, on the other hand, argues that Cicero's references to the Greeks in his letters are more representative for his own convictions—recognizing Greek achievements—in that he here does not have to flatter his Roman audience with patriotic exempla or spur them to great actions.

²²² Cic. *De or.* 2.1–4.

²²³ Cic. *De or.* 2.75–6. See Petrochilos' discussion (1974) 147 of this passage as an expression of Cicero's attitude.

²²⁴ Cic. *Fin.* 1.10, 3.5; *Tusc.* 1.1–5 (with Gildenhard (2007a) 90–145), 1.110, 2.5, 2.35, 3.10; *Nat. D.* 2.8–9; *Acad. post.* 10; *Brut.* 26, 138, 254. See the long list of Greek orators mentioned in Cic. *Brut.* 27–49. Schmidt (1978) 123–4 argues that this feeling of cultural competition characterized the epoch.

Cicero's presentation and line of reasoning seem to play on the *topos* of the contrast between Greeks and Romans: the Greeks are a morally suspect people but with special talents and interests in liberal studies such as history, rhetoric, philosophy, poetry, geometry, and music for the purpose of enjoyment, whereas the Romans are a morally upright and unassuming people who only take on new teachings if they can improve Roman society in ethical and practical matters.²²⁵ Related to this *topos* is the idea of Roman superiority.²²⁶ Cicero's explicit purpose of reviving this idea is to promote his project of introducing rhetoric and especially philosophy to a Roman, and Latin reading, audience. Cicero encourages his audience to study rhetoric and philosophy in the hope of surpassing the Greeks in these fields—perhaps with Cicero as their model.²²⁷ But at the same time, Cicero expresses admiration for the Greek cultural products of rhetoric, philosophy, and history in his numerous positive references to Greek historical models in these fields. Several contrasting views of the Greeks are displayed in Cicero's treatises, ranging from appreciation to denigration.²²⁸ However, the explicitly negative comments, such as that of Crassus seen above, are few and they do not support Cicero's project of adopting and adapting the Greek cultural heritage into a Roman setting.

Cicero's presentation of a Graeco-Roman competition is paralleled in his employment of Greek and Roman exempla in the treatises. As mentioned, Greek orators and philosophers were the models to follow for the ideal orator, but the interlocutors muster some Roman exempla as well. Even if most

²²⁵ Cic. *De or.* 3.137: 'just as we must look to our own countrymen for examples of virtue, so must we look to the Greeks for models of learning' (*nam ut virtutis a nostris, sic doctrinae sunt ab illis exempla petenda*); transl.: May & Wisse (2001). See discussion of this passage in Zetzel (2003) 133. See Petrochilos (1974) 35–53 for an analysis of the negative qualities attributed to the Greeks by Roman writers, 58–61 on Cicero's presentation of Roman moral superiority, 172–6 on Roman attitude to music, and 187–95 on Roman attitude to philosophy.

²²⁶ Balsdon (1979) 1–5, 30–54. For a brief survey of the modern interpretations of the Roman attitude to Greek culture see Gruen (1992) 224–7, and a general analysis and discussion of Roman attitudes 223–71. Gruen is critical of the notion of the Romans as negatively disposed towards Greek culture: 'The alleged hostility, indifference, or disdain for Hellenism turns out to be more a modern construct than an ancient fact.' But he does not deny the existence of Greek stereotypes in Roman thought (Gruen (1992) 261–3, citation 261). See now also the stimulating discussion in Wallace-Hadrill (2008b) 17–28 and indeed the whole book. See Griffin (1994) 698, 726 for some evidence for the Roman upper-class pose of disdain for Greek intellectual pursuits.

²²⁷ Cic. *Tusc.* 2.5, 4.5; *Acad. post.* 10–11; *Part. or.* 1. For a discussion of these issues of competition, notion of superiority and Cicero's purpose of expounding such views, see Bringmann (1971) 101–8; Petrochilos (1974) 26–30; Rawson (1985) 322–5; Gildenhard (2007a) 90–145, 187–203.

²²⁸ Petrochilos (1974) 33: 'The responses evoked in the Roman mind by the special associations of the Latin and Greek languages in Roman life and culture are in various ways typical of Roman attitudes towards the Greeks in general. They are complex, reflecting conflicting feelings of admiration and suspicion, fascination, and apprehension.' See also Petrochilos (1974) 154–5.

Roman exempla are mentioned on their own, surprisingly often Greek and Roman exempla are combined, either implicitly or explicitly placing them on the same level in terms of significance and dignity; there are few expressions of Roman arrogance towards Greek sophistry or opulence and no unambiguous use of Greek exempla for negative lessons and Roman exempla for positive.²²⁹ Indeed, Demosthenes is the prime exemplum of the best orator of all times despite his Greek background.²³⁰ In his philosophical works, Cicero's interlocutors refer to cases of Greek culture as negative exempla, but also to Greek philosophers as positive models to be followed, especially Socrates.²³¹

Cicero expresses respect towards the Greek historical models in oratory and philosophy, recognizing their great achievements within both fields, but he also maintains that the Romans have or are about to surpass the Greeks on their home ground. Cicero's direct remarks about Roman superiority in oratory, and soon also philosophy, seem to be a result of his overall project of promoting studies in oratory and philosophy in Rome. His use of historical exempla—Greek and Roman—forms a central part in this project by displaying the glory of the Greek achievements in the past and the advances made by the Romans up to the point of surpassing the Greeks in their own fields. This is especially clear in his history of Roman orators, the *Brutus*, which starts off with the Greek predecessors and continues with the Roman orators who, finally, surpass the Greeks.²³²

A further reason for Cicero's choice and employment of Greek and Roman exempla in these treatises might be connected to his audience. When addressing an audience composed of senators, *equites*, and the *populus*, that is, in public speeches, it is reasonable to envisage that Roman exempla made more sense as positive models than did Greek exempla because they might have been better known and because they confirmed the Roman notion of superiority in the world. In other words, the Roman identity was confirmed through references to a Roman cultural memory. The smaller group of people

²²⁹ Cic. *De or.* 1.62, 2.341, 3.26–8, 3.56, 3.130, 3.132–7, 3.221.

²³⁰ Cic. *Orat.* 22–4, 131–3. Cf. *De or.* 1.58, 1.88–9, 1.260, 2.94, 3.28, 3.71, 3.213; *Brut.* 35, 121, 191, 289–90; *Orat.* 6, 14, 23, 26, 56, 104–5, 133, 136, 226; *Opt. gen.* 6, 10, 13, 17.

²³¹ Negative Greek exempla: Cic. *Rep.* 2.24, 2.42, 4.4; *Leg.* 2.28; *Fin.* 2.116–17; *Nat. D.* 1.8, 2.8–9; *Off.* 1.84, 3.46–9. Positive Greek exempla of philosophers: see note above. Socrates: Cic. *Tusc.* 5.91, 5.97–101, 5.108; *De or.* 1.28, 1.42, 1.63, 1.204, 1.231–3, 2.270, 3.15, 3.60, 3.70, 3.122, 3.129, 3.139. For a useful collection of Cicero's references to Socrates see Freund (1881) 42–7.

²³² For Cicero's role in this development, see the discussion in the section 'Orator' in Chapter 9. For further discussion of this view of a glorious Greek past contrasted with present perversions, see Balsdon (1979) 38–9. See also Gildenhard (2007a) 62 (and 76–8), who argues that Cicero 'presented his project of creating a *philosophia Latina* as a patriotic duty and a matter of national pride. This implied (and entailed) an aggressive, if unconventional, stance towards the relative merits and potentials of Greek and Roman culture.'

engaging with Cicero's rhetorical and philosophical works would, on the other hand, be more likely to accept the references to positive Greek models in these fields as their education is likely to have included Greek language and the originally Greek discipline of rhetoric. While it is difficult to estimate the level of historical knowledge in Cicero's different audiences, it was probably on average lower in the people listening to his speeches than in the readers of his theoretical treatises. Cicero's partiality towards Roman exempla in his speeches and his direct expressions of suspicion towards the Greek cultural heritage in his treatises could be argued to reflect the familiarity and thus higher authority of Roman exempla over Greek ones among the majority of Romans.²³³ His elaborate use of Greek exempla and the critical remarks suggests that he was trying to balance, on the one hand, a content-driven need to use such Greek exempla and, on the other, an acknowledgement of Roman cultural stereotypes of negative Greek exempla.

From the point of view of Cicero's own models for imitation, a question which will be taken up in Parts III and IV, is that, remarkably in his treatises and letters the Greek and Roman exempla are often employed in combination and with no prejudice on either part as if they were part of one large group of exempla on oratory and rhetoric. In the speeches, however, Cicero was more guarded in his praise of Greek models, also for himself.

In conclusion, genre in itself cannot explain Cicero's choice and employment of historical exempla. Indeed, the analysis above of Cicero's letters suggests that the boundaries between the genres is helpful only insofar as they are practical tools by which to divide Cicero's enormous *œuvre* into manageable parts. As a criterion for analysis of content and style, genre is less useful. The factors which did seem to have an impact on Cicero's use of historical exempla were audience, subject matter, context, and purpose for speaking or writing, which combined in Cicero's choice of rhetorical strategy. It is therefore of utmost importance to analyse the individual historical exempla in their rhetorical, literary, and political context.

CONCLUSION

The argument from examples and in particular from historical exempla provided an extremely versatile and flexible rhetorical device for ancient

²³³ As indeed argued by Stemmler (2000) 179–81: Roman exempla had a qualitative higher authority and functioned by confirming the specific Roman socio-cultural identity. For the same viewpoint see Schönberger (1910) 32–3; Bloomer (1992) 5; Walter (2004) 63.

orators and authors aimed at persuading the audience of any given argument. Cicero's skilful choice and employment of exempla provide vivid illustration of this technique. Given that Cicero's writings form the most comprehensive collection of ancient Roman sources, we cannot know whether other orators or authors used historical exempla to the same degree or to a similar level of sophistication, but the evidence of others exploiting historical exempla and family exempla shows that he was not alone. Cicero's writings provide a showcase for the range and possibilities offered to orators and authors.

All the aspects of historical exempla discussed in this analysis of Cicero's historical exempla relate to the action of choosing and employing the most persuasive historical exempla in speeches, letters, and treatises on oratory and philosophy seen through the lens of Cicero's works. The choice and employment is the end product of a series of considerations which an orator or author had to, consciously or not, take into account. The main factor in the choice and employment of historical exempla was the rhetorical and political strategy which Cicero decided upon. These exempla had to fit into the overall strategy and support the individual arguments made throughout the speech, letter, or treatise. The rhetorical and political strategy itself depended on a number of elements: the immediate and long-term purpose of the work; the context in which it was circulated (whether orally or in written form); the subject matter; and the audience. The latter was the most difficult element to control in terms of reception of a historical exemplum; the difference in number of Greek and Roman exempla depended on Cicero's expectation of the audience's acceptance of his presentation (which again depended on the historical knowledge and possible prejudices in the audience), while the competition for right interpretation of an exemplum illustrates the negotiation of reception in action. A further element existed in the *auctoritas* of the exemplum and the orator himself. Previous usages, perceived similarity, and familiarity among the audience influenced the *auctoritas* of the exemplum, while the orator built his credibility on general *auctoritas* from family background, political offices, and public persona, and on his trustworthiness as an interpreter of history through previous references to historical exempla. All these elements affected the rhetorical strategy adopted, which, in turn, helped in the choice of persuasive and powerful historical exempla to support the case.

Cicero's discussion of the choice of appropriate exempla alerts us to the difference, sometimes even dilemma, between a morally appropriate exemplum and a politically expedient exemplum. While Cicero could argue for the necessity of the former kind and lament the dominance of the latter in the *De officiis*, he exploited historical exempla for his own political purposes throughout his career, even if he claimed that he fought the morally right

cause. His usage of historical exempla for his personal political advancement is the subject of the following chapters. This dilemma between appropriate and expedient exempla was no less relevant for family exempla as both Cicero's discussion in the *De officiis* and his own employment of family exempla show. Cicero's exploitation of general assumptions of duty and expectation to live up to personal forefathers illustrates the scope for praise and blame and again how moral aspects were embedded in Roman political discourse. Cicero could argue that Marcus Antonius' choice of family exemplum was not only politically damaging to the *res publica* but even morally reprehensible, thereby heightening the blame of Antonius. At the opposite end of the spectrum, Brutus should not just be against any tyrant in Rome for political reasons such as lack of competition for office and domination of public funds and the courts, but especially so out of a moral sense of duty to his ancestral role models. Alleged moral duties and restraints, supported by references to historical and family exempla, formed a potent argument in political discussions.

The flexibility in the purposes of employing exempla is mirrored by the flexibility in the creation, choice, and interpretation of exempla. By his choice the orator or author decides, on the one hand, which historical individuals and events should be remembered and for what, and on the other, whether these individuals should be imitated or not. Cicero says that the orator M. Antonius thought that orators in this way had an important role in keeping alive and renewing history.²³⁴ The flexibility extends further into the multiplicity of messages which exempla, even the same specific exempla, can deliver. The various representations of the Gracchi in Cicero's works is the most famous example, but also Cicero's flexible and developing use of Hannibal's example, or the ongoing competition for the right interpretation of a historical exemplum or the challenge of other's usage (Piso Caesoninus), illustrates this flexibility. Furthermore, the relation between the example and the present case can be as close or remote as the orator or author deems convincing to the audience.

The audience was the crucial partner in the orator's or author's play with historical figures and events. The listeners and readers were not just recipients of a message, but also one of the determining factors in the choice and employment of historical exempla made by the orator or author. He had to have a clear understanding of the audience's historical knowledge and inclination in order to put his message across in a successful way. Cicero understood the importance of this sensitivity as demonstrated by the variations in

²³⁴ Cic. *De or.* 2.36.

his choice and employment of exempla such as the Gracchi in front of different audiences. In certain circumstances, such as a public speech, by contrast to a literary work or a letter, references to the Roman past were more expedient than references to Greek or other foreign matters. Cicero had to take both knowledge and preconceptions into account, and the factor of audience is discernible in both Cicero's overall choice and employment of historical exempla as in his use of individual exempla. The element of genre seems not to have had a decisive impact on Cicero's choice and use of historical exempla, except perhaps for his letters. For the other genres, and for letters to some degree, the factors of purpose, context, subject matter, and audience explain Cicero's usage much better. Whilst these factors are partly related to genre, genre is not a satisfactory explanation in itself.

These observations as to Cicero's choice and employment of historical exempla in general are important in order to understand and estimate Cicero's rhetorical skills and the place of historical exemplum in Roman oratory through Cicero's example. However, for this study the lessons from this analysis are fundamental for understanding in particular the background to Cicero's rhetorical strategy of arguing from exempla and thereby his political strategy as a new man. In particular, his emphasis on the choice of historical exempla directs us to the question of whom he presented himself as choosing as his political models. Moreover, the skill with which he responds to the historical knowledge and political preferences of his audience is a key to understanding his oratorical and thus political successes and failures. Furthermore, the conclusion that the purpose, context, subject matter, audience, and *auctoritas* formed the crucial factors in his choice and employment of historical examples underlines the necessity of analysing his personal exempla in the context of these factors and as a result of his rhetorical strategy. Lastly, his understanding of the importance of family exempla and his sophisticated play with the notions of ancestry provide a way by which to approach his strategies of circumventing his own lack of a politically powerful ancestry. In the following part, Cicero's rhetorical strategy of referring to his personal exempla in political life will be analysed in order to understand his political strategy as a *homo novus*.

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Part III

Cicero's Role Models

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Cicero's alternative claims to ancestry

The discourse of *novitas*, as expounded by Cicero, revolved around the idea that the *homines novi* claimed to embody the virtues of the ancestors of old, virtues such as *virtus*, *industria*, *labor*, and *constantia*, and thereby made themselves worthy of political offices, whereas the *nobiles* had degenerated in spite of their descent from these same ancestors, making them unsuitable for high office. The *nobiles*, however, rested their claim to magistracies on their illustrious ancestry, on family exempla, and showed hostility to any *homo novus* attempting to take the magistracies which they believed theirs by birthright.

This is rhetoric on Cicero's part, but it must have worked with his audience given his oratorical success. The persuasion of the majority of his audience furthermore suggests that Cicero's rhetoric must have had some connection to reality. It would not have made sense to present an invented situation, so Cicero's rhetoric must have built on recognized facts (or, at least, a fictional situation perceived as factual) concerning the attitudes and actions of the *nobiles* and the senatorial families in general towards the newcomers. While Hopkins and Burton have shown that the *nobiles* did not manage to exclude non-*nobiles* from political office, they still found that for the period 249–50 BC candidates with consular ancestors less than three generations back in time stood a better chance of election to the consulship.¹ Certainly, the lack of any senatorial ancestors would have been a great impediment for election to the consulship. How did Cicero manage to reach the consulship?

Cicero's chief weapon in the fight for political office and political influence in general was his oratorical skill. With his oratory, Cicero could enter the political discourse and shape it according to his own purposes. We have seen him condemn the *nobiles'* claim to office based on ancestral merit as flawed because the *nobiles* do not live up to the virtues of their ancestors. Whilst rejecting this argument from ancestry, Cicero adopted a similar tactic and

¹ Hopkins & Burton in Hopkins (1983) 32. See discussion under the section '*Nobilis* and *homo novus* in modern scholarship' in Chapter 4.

argued for three alternative claims to ancestry: that some Romans were such great men that they stood as exempla for all Romans; that past *homines novi* stood as exempla for aspiring new men; and, finally, that one could choose to imitate specific historical individuals as one's personal exempla.

This chapter analyses these three alternative claims to ancestry. The third claim, that from personal exempla, is by far the most substantial and sophisticated of the three claims in Cicero's works. The following chapter, therefore, is an exploration of Cicero's use of personal exempla throughout his life and works. In order to appreciate the various ways in which Cicero projects historical individuals as his role models, a discussion precedes of how interlocutors in his dialogues in general may be perceived as personal exempla. The main analysis of Cicero's personal exempla is arranged chronologically in order to understand each such instance of an exemplum in its proper oratorical and historical context. Overall trends and developments over time are taken up when relevant and discussed systematically in the conclusion to Part III.

GREAT ROMANS AS GENERAL EXEMPLA FOR ALL ROMANS

One of Cicero's alternative claims to ancestry was that great Roman men and women could stand not only as exempla to their descendants, that is, as family exempla, but also as exempla to all Romans. In Cicero's fourth *Verrine* speech from 70 BC, this claim is built into his criticism of one of Verres' supporters, P. Cornelius Scipio Nasica:²

Now, P. Scipio, I appeal to you, you the most excellent and talented young man, I ask you and demand you live up to the duty belonging to your family and name. Why do you fight for the man who diminished the glory and honour of your family? . . . Why does a M. Tullius demand back the monuments of Africanus [Aemilianus] when a P. Scipio defends him who took them away? According to the custom transferred from our ancestors, one ought to defend the monuments of his own forefathers so that he does not even allow them to be adorned in the name of another . . . (80) . . . It is within your power, Scipio, to protect the splendour of your family's glory; you possess all that either fortune or nature can bestow on human beings; I do not deprive you of the fruits of your duty, I do not claim another's glory for myself, it is not within my morals to forward myself as champion and defender of the monuments of P. Scipio when a P. Scipio, a most eminent young man, is alive and sound. (81) . . . Then let this

² P. Cornelius Scipio Nasica (*RE* 352) (cos. 52), from 64 BC he was Q. Caecilius Metellus Pius Scipio by adoption into the Metellan family.

illustrious nobility cease to complain about the Roman people gladly giving and having given honours to industrious new men. One should not in this society, which rules all nations through its virtue, complain about the fact that virtue possesses most power.³

Cicero's rhetorical strategy here is to awaken Scipio's sense of duty to the family, through a sense of obligation or shame, and thereby weaken his interest in defending Verres. The existence of this elaborate appeal supports the general idea of family exemplarity and family duty as a widespread and politically potent one. Several elements of family exempla are represented here: the duty to guard the memory and physical monuments of one's ancestors;⁴ the inheritance and influence of personal qualities enabling and spurring the descendant to fulfil his duty; and lastly, the preference for a family member rather than somebody outside the family to defend the family memorials. This last point, however, seems to be a less crucial element in family exemplarity in general and more a part of Cicero's rhetorical strategy of alienating Scipio from Verres' defence. Cicero's remark on Scipio's defence of Verres and Cicero's own professed defence of the memory of Scipio Africanus (Aemilianus) is meant to show the irony of the situation, not that it was impossible for an outsider to defend his memory. In fact, Cicero goes on to assert that Scipio Africanus (Aemilianus) is part of the past shared by all Romans:

Let the image of P. Africanus [Aemilianus] be associated with other people, let other people be given the lustre of this dead man's virtue and name; for he was so deserving in his actions in the service of the Roman people that he should be entrusted not to one single family but to the whole society. It is my share, being a citizen of this society which he rendered great, famous, and distinguished, especially because I, for my part,

³ Cic. Verr. 2.4.79–81: *Te nunc, P. Scipio, te, inquam, lectissimum ornatissimumque adulescentem, appello, abs te officium tuum debitum generi et nomini requiro et flagito. Cur pro isto, qui laudem honoremque familiae vestrae depeculatus est, pugnas... cur M. Tullius P. Africani [Aemiliani] monumenta requirit, P. Scipio eum qui illa sustulit defendit? Cum mos a maioribus traditus sit, ut monumenta maiorum ita suorum quisque defendat ut ea ne ornari quidem nomine aliorum sinat... (80)... Potes domesticae laudis amplitudinem, Scipio, tueri, potes; omnia sunt in te quae aut fortuna hominibus aut natura largitur; non praecерpo fructum officii tui, non alienam mihi laudem appeto, non est pudoris mei P. Scipione, florentissimo adulescente, vivo et incolumi me propugnatorem monumentorum P. Scipionis defensoremque profiteri. (81)... Deinde ista praeclara nobilitas desinat queri populum Romanum hominibus novis industriis libenter honores mandare semperque mandasse. non est querendum in hac civitate, quae propter virtutem omnibus nationibus imperat, virtutem plurimum posse.* Kardos (2004) argues that *monumentum* in Cicero meant all kinds of monuments, reminding the audience of the past: written testimonials, visual monuments, oral memorials.

⁴ Further reinforced a few chapters later on in which Cicero addresses the prominent jury members P. Servilius Vatia Isauricus and Q. Lutatius Catulus arguing that they would hope for their monuments to be guarded not just by their descendants but by 'good citizens' (*boni cives*): Cic. Verr. 2.4.82. For these monuments see Lazzeretti (2006) 243–4.

busy myself with the ways in which he was leading us all, that is in justice, in hard work, in temperance, in defending the unfortunate, and in his hatred of the wicked people; this relationship of zeal and of skills is thus truly no less close than that of family and name which pleases you.⁵

Cicero here extends the family exemplum to one where Scipio Africanus (Aemilianus) stands as an example for all Romans. His achievements on behalf of the Roman state were so great that all Romans have a claim to be his descendant, figuratively speaking. In this way, Scipio was regarded as an ancestor for the whole Roman *gens*.⁶

A further example of this kind of claim to ancestry comes from Cicero's speech in defence of Murena, the *Pro Murena*. Marcus Porcius Cato (Minor) was one of the prosecutors against Murena, and in his speech, Cicero argues that Cato ought not to be so stern because other Romans living by a philosophical rule were not so strict. Finally, Cicero invokes Cato's ancestor, Cato Maior:

Can you think of anyone more obliging, more sociable, and more temperate, in every sphere of human society, than your great-grandfather Cato? When you were speaking impressively and truly about his outstanding virtue you said that you had a model at home for you to imitate. You do indeed have that model set before you at home, although it has been easier for his character to pass to you, who are descended from him, than it has been for it to come to any of us. All the same, it is there as a model for me to imitate just as much as for you. If, however, you were to sprinkle some of Cato's ease and affability onto your own sternness and severity, those qualities of yours would not become better—since they are perfect already—but they would at least be more agreeably seasoned.⁷

⁵ Cic. Verr. 2.4.81: *Sit apud alios imago P. Africani [Aemiliani], ornentur alii mortui virtute ac nomine; talis ille vir fuit, ita de populo Romano meritis est ut non uni familiae sed universae civitati commendatus esse debeat. Est aliqua mea pars virilis, quod eius civitatis sum quam ille amplam inlustrem claramque reddidit, praecipue quod in his rebus pro mea parte versor quarum ille princeps fuit, aequitate, industria, temperantia, defensione miserorum, odio improborum; quae cognatio studiorum et artium prope modum non minus est coniuncta quam ista qua vos delectamini generis et nominis.*

⁶ Cf. Cic. Sest. 143 where Cicero encourages his audience to emulate named Romans of the past as if they were their own ancestors. There are echoes of this thought in the dream of Scipio: Cic. Rep. 6.11–16. The idea about general exempla for all Romans is supported by Roloff (1937) 16–19, who thinks that Cicero in Scipio saw the defeat of the antithesis *homo novus*—*homo nobilis*. See also Blösel (2000) 70–2; Stemmler (2000) 191–2; Mencacci (2001) 430–2; Treggiari (2003) 158; Dugan (2005) 11–12.

⁷ Cic. Mur. 66 (transl.: Berry (2000)): *Quemquamne existimas Catone, proavo tuo, commodiorem, communiorem, moderatiorem fuisse ad omnem rationem humanitatis? De cuius praestanti virtute cum vere graviterque diceres, domesticum te habere dixisti exemplum ad imitandum. Est illud quidem exemplum tibi propositum domi, sed tamen naturae similitudo illius ad te magis qui ab illo ortus es quam ad unum quemque nostrum pervenire potuit, ad imitandum vero tam mihi propositum exemplar illud est quam tibi. Sed si illius comitatem et facilitatem tuae gravitati severitatis asperseris, non ista quidem erunt meliora, quae nunc sunt optima, sed certe condita iucundius.*

Cato Maior was not well known for his affability, but, by contrast, for his austerity.⁸ Craig has convincingly argued that Cicero's reference to Cato Maior forms part of Cicero's strategy of depicting Cato Minor as a Stoic who has misunderstood the true teachings of Stoicism and the tradition of the *maiores*, thereby acquiring the two pillars of Cato Minor's *auctoritas* for himself.⁹ In this way, Cicero manages to steal away Cato's claim to the *maiores* in general and to his famous ancestor Cato Maior in particular, casting doubt on Cato Minor's credibility as prosecutor and asserting authority for himself in this debate.¹⁰ Cicero's argument is closely connected with his main point about Murena's supposed lack of *nobilis* background in comparison with Cato's. For the discussion of family exempla, it is noteworthy that Cicero says that Cato himself had referred to his great-grandfather's exemplum, a clear family exemplum; second, Cicero himself argues for this family exemplum and talks outright about this character to be passed down through generations, in other words referring to the notion of family characteristics. Lastly, and most importantly, Cicero claims that Cato Maior is a general Roman example for all Romans to adopt, if wished. Just as Cicero and other Romans can adopt Scipio Aemilianus, Cato Maior is presented as a general exemplum which Cicero can adopt as his model in competition with Cato's descendant.¹¹

The idea of Romans of the past serving as exempla for Romans in the present is the main prerequisite for all arguments from historical exempla. Here we see this idea presented explicitly, which is somewhat unusual. This idea can be explained as a notion of the Roman people as one big *gens*, all drawing on the famous ancestors of the state to learn from and put up as models, even if they were not related by blood. Cicero even suggests in a passage from the fifth *Verrine* speech that there was a blood kinship between all Romans: 'for a blood-kinship between all Roman citizens must be considered'. (*nam civium Romanorum omnium sanguis coniunctus existimandus est.*)¹² This phrase forms

⁸ T.J. Cornell thinks that this austerity was more a representation by both Cato Maior himself and subsequent generations, than reality (T.J. Cornell's lecture 'Cato the Censor ("The Moral Plumber")' in the Ancient History Seminar at Oxford, 11 November 2003, with reference to Festus 350L and Gell. NA. 13.24.1).

⁹ Craig (1986).

¹⁰ Already Gnauck (1936) 95 read this passage as a competition between Cicero's representation of Cato Maior and Cato Minor's representation of his ancestor. See Treggiari (2003) 157, who argues that Cicero 'cleverly steals the Elder Cato from the Younger Cato'.

¹¹ Stinger (1993) 140 touches on this notion without much analysis or discussion, terming such an exemplum an 'ethical descendant'.

¹² Cic. *Verr.* 2.5.172. Blösel (2000) 72 thinks that Cicero is probably the first to suggest this thought. Bücher (2006) 171 finds that Cicero in general envelops his references to the *maiores* in an imaginary family relation of all Roman citizens which results in a stronger personal obligation towards ancestral tradition and a confirmation in the collective identity. For discussion of Roman ethnicity, see Dench (2005).

part of Cicero's rhetorical strategy of vilifying Verres' murder of the Roman Gavius, but it is still a remarkable expression of the thought that all Romans belonged to the same *gens*.

Blösel concludes on Cicero's two passages in the fourth *Verrine* speech and the *Pro Murena* that with his argument, Cicero deprives the *nobilis* families of their monopoly on their respective *maiores*, thereby removing completely the contrast between *homines novi* and *nobiles* in this spiritual kinship.¹³ He also finds that Cicero instead of rejecting the discourse of *nobilitas* taps into it and shapes it into his own.¹⁴ Blösel argues that Cicero's attempt to take over the *maiores* of the *nobiles* can be traced back to Cato Maior, who seems to have been the first to challenge the claim of the *nobiles* to political offices. In his *Origines*, Cato narrated the history of Rome through the actions of anonymous Roman heroes. By this anonymity, Cato clearly did not want to enlarge the *gloria* of single *nobiles* or their *gentes*, but instead tried to place exempla before the eyes of his general audience in order to spur them to exemplary actions. With this anonymity of the Roman generals, Blösel argues, Cato made their victories part of the general heritage of the collective Roman people, and the Roman generals themselves became *maiores* of the entire Roman people because they could not be ascribed to any particular *gens*.¹⁵

Blösel's conclusion is less convincing. He argues that Cato failed in his attempt to make *nobiles maiores* into general *maiores* for all Romans, because Cato in his extant speeches and writings does not employ the phrase *mos maiorum* and only once *mos Romanus*; therefore *mos maiorum* must have remained in the domain of the *nobiles*. Furthermore, that where Cato failed, Cicero succeeded.¹⁶ The problem is that we cannot ascertain the novelty of Cicero's adoption of the *maiores* from the *nobiles* because the lack of substantial prose literature, especially speeches for the *contio*, before Cicero makes it difficult to assess Cicero's originality.¹⁷ Furthermore, we cannot know whether Cato used the phrase *mos maiorum* in now lost parts of his work. With these objections in mind, it seems difficult to ascribe novelty and failure to Cato's project. Perhaps similar views were expressed in now lost works or Cato was simply the first *novus* to air these views in the era from which we

¹³ Blösel (2000) 72. Cf. the wider analysis pages 68–85.

¹⁴ Blösel (2000) 83.

¹⁵ Blösel (2000) 54. Cornelius Nepos *Cato* 3.4 is the source for the feature of anonymous leaders in Cato's work. Astin (1978) 67 also connects Cato's anonymization of Roman commanders in the *Origines* with his *novitas* and attitude to the aristocracy; see also Astin (1978) 232–3 and Flaig (2004) 94.

¹⁶ Blösel (2000) 58–9, 83–4.

¹⁷ Argued also by Morstein-Marx (2004) 79, note 56.

have written evidence. Furthermore, how can we know that Cicero succeeded when republican political oratory altered with the fall of the republic?

Finally, the question remains whether Cato and Cicero were pursuing the same end with similar methods. As *homines novi*, both adopted the rhetorical argument that new men were the true upholders of the ancestors' morals and traditions by contrast to the degenerate *nobiles*, and they circulated written versions of their speeches to advertise themselves. Their aim was political influence and, ultimately, acceptance among the *nobiles*. But they differed somewhat in strategy: where Cato tried to anonymize the protagonists in Roman history in his *Origines* whilst promoting himself and his family by name in other contexts, Cicero named and described all the orators he found worthy of mention in his history of the Roman orators, the *Brutus*, and ended by the implicit inclusion of himself as the greatest orator of them all.¹⁸ Furthermore, Cicero adopted and adapted exempla from outside his own family and made them his own, as we shall see in the following analysis of his personal exempla. Cato denied the Roman families their exempla and emphasized the virtues in general while Cicero personalized the virtues and used the exempla to highlight his own virtues and achievements. In this way, Cato and Cicero might have aimed for the same, namely political influence and inclusion among the *nobiles*, but they employed slightly different means to this end.

Besides the general importance of this idea of the *maiores* as common ancestors to all Romans for the whole concept of exempla, it is particularly important for the *homo novus*, who did not have any famous ancestors to build his political career upon. Instead he could claim to model himself on a Roman of the past, chosen to convey particular qualities or traits which suited his strategy and argument.¹⁹ As such, *homines novi* had a freer choice between adopted models than had the *nobiles*, even if *nobiles* could also look outside their family for exempla. It is this notion which forms the background for the claim of the *novi* to live up to the virtues of the *maiores* in contrast to the degenerate *nobiles*. We see Cicero operating with two kinds of *maiores*: personal ancestors or family exempla of the *nobiles*, and *maiores* for all Romans.²⁰ Cicero taps into the discourse of the *nobiles* and their claim to magistracies based on ancestral merit and turns it into a general claim to magistracies which can be argued even by *homines novi*. In this way, he tries to legitimize his place in the political elite in spite of his *novitas*.²¹

¹⁸ See further discussion of Cicero's role in the *Brutus* in the section 'Orator' in Chapter 9.

¹⁹ For a similar connection between Cicero's claim and his *novitas* see Blösel (2000) 83.

²⁰ See also Roloff (1937) 1; the discussion in Blösel (2000) 74–81 with references to earlier scholarship on this theme; Wallace-Hadrill (2008b) 218.

²¹ See Dugan (2005) 11–12 for a similar argument about Cicero's adoption and adaptation of the argumentation of the nobility. Dugan even analyses Cicero's *Pro Archia* as an appropriation of the *laudatio funebris* of the nobility (40–3).

The descent from general *maiores* claimed by Cicero is formulated in highly moral terms. Most of his references to the virtues of the *maiores* and the adoption of these virtues by present Romans point to a moral context, which fits with Cicero's discussion of the choice of appropriate exempla in the *De officiis*.²² However, these virtues cannot be separated from the actions since they are virtues of either named historical figures or the *maiores* in general, as in the case of Scipio Aemilianus above.²³ The moral language furthermore underlines the fact that the persuasive force of historical exempla was tied into a moral-didactic purpose, as we have seen in the discussion of the *maiores* and history-writing in the Introduction.

HOMINES NOVI AS EXEMPLA

Besides the notion of general ancestors for all Romans, Cicero employs another kind of ancestral claim. As a *homo novus*, he can refer to other *homines novi* as role models in his own ascent up the *cursus honorum*. In a passage from Cicero's fifth Verrine speech, which has already been discussed in Chapter 4, Cicero argues that he as a *homo novus* does not have the same privileges as *nobiles* and that he therefore has to follow different rules in order to become elected to political office. He then goes on to list a number of *homines novi*, who fought their way into political office in spite of their ancestral disadvantage and the hostility of the *nobiles*: Cato Maior (cos. 195), Q. Pompeius (cos. 141, cens. 131), C. Fimbria (cos. 104), C. Marius (cos. 107, 104–100, 86) and C. Coelius/Caelius (cos. 94). Cicero combines this list with a discussion of the ideology of the *homines novi*, and sets up these new men as exempla for other new men to follow in their pursuit of magistracies. By describing the toil of these new men in detail and their success in gaining office and fame through their merits, Cicero hopes to inspire all aspiring *homines novi* to fight for magistracies in spite of the great obstacles.²⁴ Again, we see a combination of the persuasive and moral-didactic functions of exempla. In this way, even *homines novi* have their own examples to claim in their favour. In fact, this passage seems to suggest that Cicero constructed, or referred to, a catalogue of *homines novi* exempla,

²² Cic. *Off.* 1.115–21. See the section 'The choice of historical exempla' in Chapter 6 for a discussion of this passage.

²³ This point is supported by Robinson (1986) 18.

²⁴ Cic. *Verr.* 2.5.180–2, discussed in the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

whom new men can take as their role models in political life. Indeed, this catalogue could be said to function almost as a family of *homines novi*, whom subsequent new men can present as their ancestors. Thus, in a paradoxical way, new men who are 'descended from themselves' (*ab se gigni*) can still claim an affinity with past *homines novi*.²⁵ The similarity lies not in a shared political outlook (except that all new men wanted to pursue a political career) but in a shared background which disadvantaged them in Roman politics.

A further paradox seems to be inherent in this mechanism in that one can only with difficulty lay claim to this heritage until one has already achieved significant success. A first step on the ladder would lend credibility to the claim—Cicero's first reference to past *novi* appears in the fifth *Verrine* speech when he had served as quaestor and had been elected curule aedile—but it is difficult to determine at what point a new man could refer to predecessors as models of conduct. Cicero may be unique in his timing of these references and the evidence from Cato Maior is often impossible to date. A *homo novus* may have claimed personal exempla among past new men even in his first canvass for office, but his claim would gain considerable strength with every office obtained. Indeed, the successful election would in itself serve to verify the candidate's claim to live up to past *homines novi*; before that, his claim was only just that. Once a political career was secured, the claims to follow past *novi* may have receded. At least, the Ciceronian evidence suggests as much, as we shall see in the following.

Cicero's list of exemplary *novi* included a few others besides the men mentioned in the *Verrine* passage, for example Curius Dentatus and T. Didius. In his excursus on *novitas* and *nobilitas* in the *Pro Murena*, discussed in Chapter 4, Cicero invokes the exempla of *homines novi* such as M'. Curius Dentatus (cos. 290, 275, 274, cens. 272 BC), Cato Maior, Q. Pompeius from the distant past, C. Marius, T. Didius (cos. 98 BC), and Coelius/Caelius from the recent past. By enumerating these new men, Cicero tries to argue by special pleading that he had never foreseen Sulpicius' attack on Murena's *novitas*, because the *homines novi* mentioned, together with Cicero himself, had broken down the barrier to the consulship.²⁶ In this way, Cicero argues that future *homines novi* ought to be able to follow in the footsteps of these new men, who have led the way to political office for them. Again, we see that *homines novi* of the past can function as exempla for present and future

²⁵ Cato Maior was *ab se gigni*: Cic. *Verr.* 2.5.180. Dench (2005) 240 terms this catalogue 'a fictive genealogy of "new men"'.
²⁶ Cic. *Mur.* 17, discussed in the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

homines novi, in that they form a special category, almost a family, and thereby a claim to office from a constructed ancestry.

In both passages from the fifth *Verrine* speech and the *Pro Murena*, Cicero employed these exemplary new men to illustrate the virtuousness of *homines novi* which justified their judicial and political influence. In other words, these men are used explicitly as exemplary *homines novi*. Cicero continues this line of thought in his defence of Sulla in 62 BC, where he mentions Cato Maior, Ti. Coruncanius (cos. 280 BC), M'. Curius Dentatus, and Marius as examples of new men who were not reproached for their wish to enter politics.²⁷ Cicero's argument is an answer to the allegation that he was a *rex peregrinus*, a combination of two negatively loaded words. *Rex*, 'king', had the negative connotation in Rome of a tyrant, often of foreign origin, and hinted at Cicero's dealings with the Catilinarian conspirators the year before. *Peregrinus*, 'foreign'/'non-Roman', was aimed at Cicero's municipal origin in Arpinum, thus at his *novitas*, and the term played on the prejudice of the *nobiles* against such *homines novi*. Cicero deals with both allegations in his speech, but what is relevant for this discussion is the fact that his enumeration of exemplary new men was forced upon him by the allegation of being a *peregrinus*. His list of exemplary *homines novi* now includes Coruncanius, but even if his list is slightly altered, the recycling of *novi* used previously suggests that Cicero was operating within a catalogue of exemplary new men.

Several of these *homines novi* are singled out by Cicero in other contexts. In the speech *Pro Plancio*, Cicero uses Fimbria as an example of a *homo novus* of great spirit and good sense.²⁸ In the treatises *De oratore* and the *Brutus*, Cicero mentions Coelius/Caelius and Q. Pompeius respectively as exempla of men who achieved political success in spite of their *novitas* and modest oratorical skills.²⁹ Didius is praised in the speech *Pro Fonteio* for his experience and achievements in military matters, as opposed to theoretical studies.³⁰ The author of the *Commentariolum Petitionis* also compares Cicero's situation with Coelius, implicitly encouraging Cicero to take Coelius as an exemplum of a *homo novus* who reached the consulship.³¹ This indicates that it was not only Cicero who recognized this utility of references to exemplary new men. These consistent references to the same *homines novi* furthermore suggest that Cicero kept these historical figures in his own catalogue of new men who could be employed as exempla when appropriate.

²⁷ Cic. *Sull.* 23.

²⁸ Cic. *Planc.* 12.

²⁹ Cic. *De or.* 1.117; *Brut.* 96.

³⁰ Cic. *Font.* 43.

³¹ *Comment. pet.* 11.

In his philosophical works from the 40s BC, Cicero employs references to exemplary new men with a different message. In the *De natura deorum* from 45 BC, Cicero mentions Curius (Dentatus), (C.) Fabricius (Luscinius, cos. 282, 278; cens. 275 BC), and Coruncanius as exemplary men fighting for Rome during the war with Pyrrhus.³² The inclusion of Fabricius can be explained by his contemporaneity with Curius and Coruncanius, and their similar images of frugality and selfless service to the state. Cicero does not refer to their *novitas* as such, but the listing of these three new men again suggests that Cicero is dipping into a catalogue. This suggestion is supported by Cicero's enumeration of these same men in the *De amicitia*, written the following year. Here he has the main interlocutor, C. Laelius, refer to Fabricius, Curius, and Coruncanius as, first, politically wise men, and, second, as men in close friendships.³³ Again there is no particular reference to their *novitas*, but the repeated combination of these three men underlines the impression of a catalogue. Indeed, the connection between Fabricius and Curius was picked up by many authors after Cicero. It seems that Cicero was using an existing tradition linking these two men rather than being the first to pair them as exemplary men.³⁴ Cicero has Laelius, whom we shall see was the son of a successful *homo novus*,³⁵ refer to these exemplary new men; might this be a subtle hint on Cicero's side to the *novitas* of Fabricius, Curius, and Coruncanius? This kind of hint is much more explicit in the *De senectute* where Cicero lets the interlocutor Cato Maior refer to Curius' legendary military successes and private modesty.³⁶ In other words, the new man Cicero honours the new man Cato Maior, who in turn honours the new man Curius Dentatus—three layers of *novitas* supporting Cicero's message of own exemplary political conduct as a *homo novus*. In spite of Cicero's more or less subtle hints to the *novitas* of these exemplary new men, his employment of Curius, Fabricius, and Coruncanius is very different from that of the new men referred to in the speeches delivered a decade or two earlier. The issue of *novitas* was less pressing as Cicero's political offices had proven his abilities and his position was not challenged by claims of foreign origin. Yet, these exemplary new men could still be employed productively as they illustrated qualities beyond those associated with *novitas*.

Cicero's catalogue of exemplary *homines novi* is telling, also for the individuals left out. As noted by Wiseman, Cicero almost completely avoids mentioning the

³² Cic. *Nat. D.* 2.165.

³³ Cic. *Amic.* 18, 39.

³⁴ Berrendonner (2001); Vigour (2001).

³⁵ See discussion in the section 'The *homo novus* consul' in Chapter 8.

³⁶ Cic. *Sen.* 55–6.

recent new men M. Herennius (cos. 93 BC), M. Tullius Decula (cos. 81 BC), and C. Norbanus (cos. 83 BC). The latter was probably left out because of his Marian sympathies, while Herennius' and Decula's careers were not distinguished enough to warrant exemplary status. By contrast, among recent *novi* Q. Pompeius had reached the censorship and his name would remind the audience of Pompey, while Didius' two triumphs illustrated his virtues.³⁷ Fimbria's actions on the Marian side may not have been as well known as those of Norbanus since Cicero excluded the latter, while Coelius'/Caelius' and Pompeius' oratorical skills, mentioned in the *De oratore*, made them more comparable to Cicero. Cicero selected men from the distant past who were famous not only for their humble background but also for their great services to the state, and picked out the *homines novi* from the recent past whose achievements were sufficient enough to provide recognition in the audience and whose political leanings did not offend. Another possible recent *homo novus* not exploited as such by Cicero is M. Antonius, the orator and consul of 99 BC. Whilst an important personal exemplum of Cicero in other respects, Antonius' background is never mentioned by Cicero, as we shall see and discuss in the following.³⁸

By far the most exploited exempla of *homines novi* in Cicero's works are Cato Maior and Marius, whom we have already seen mentioned as part of the list of exemplary new men. Both will be discussed separately below under Cicero's personal exempla, but a few remarks on Cato are appropriate here to illustrate the general traits in Cicero's references to past *homines novi* and to discuss Cato's position as an exemplum to other new men. Cicero's mention of Cato in the fifth *Verrine* speech was followed up by his return to Cato's *novitas* in the *De republica*:

Marcus Cato, an unknown man of no pedigree—a man who serves as a model of industry and virtue to all of us who share his goals—could have remained at Tusculum, a healthy spot and not far off, enjoying peace and quiet; but a madman (as some people think), under no compulsion, chose to be tossed in the waves and storms of public life to an advanced old age rather than live a happy life in peace and calm.³⁹

Here Cicero is even more explicit about Cato's exemplary status as a *homo novus* to all other *homines novi*. His praise of Cato forms part of his introductory

³⁷ Wiseman (1971) 108–9.

³⁸ See discussion in the section 'An aspiring new man' and the conclusion to the section 'The orator-statesman outside politics' in Chapter 8, as well as the overall conclusion to Chapter 8.

³⁹ Cic. *Rep.* 1.1 (transl.: Zetzel (1999)): *Marco vero Catoni, homini ignoto et novo (quo omnes, qui eisdem rebus studemus, quasi exemplari ad industriam virtutemque ducimur), certe licuit Tusculi se in otio delectare, salubri et propinquo loco; sed homo demens, ut isti putant, cum cogeret eum necessitas nulla, in his undis et tempestatibus ad summam senectutem maluit iactari, quam in illa tranquillitate atque otio iucundissime vivere.*

comments on the virtues of the Romans in general and certain individuals in particular. Among these, Cato is singled out as truly Roman in his virtuous activity on behalf of the state, but the remark about his exemplary *novitas* is strikingly placed in the company of exemplary *nobiles* such as L. Caecilius Metellus (cos. 251, 247 BC), Scipio Africanus, Scipio Aemilianus, and M. Claudius Marcellus (cos. 222, 214, 210, 209, 208 BC). Furthermore, we see the ideology of the *homines novi* mentioned directly as well: *industria virtusque*. Cicero's message is that all aspiring *homines novi* can take Cato as an example and thereby succeed in their pursuit.

Cato's *novitas*, great political (and military) success and his fame made him a suitable exemplum for an aspiring *homo novus* to employ, but the lack of substantial pieces of oratory apart from the speeches of Cicero makes it difficult to determine the importance of references to Cato's *novitas* in the oratory of other new men. Cato himself seems to have understood well the ways in which to exploit his brilliant oratorical talents and project himself as a man of *virtutes* and *mores* in order to advance his political career.⁴⁰ Indeed Plutarch's note that 'he [Cato] himself used to say that in terms of office and glory he was indeed new, but in respect of the deeds and virtues of his ancestors he was extremely old' echoes the *homo novus* ideology.⁴¹ However, Dench argues against projecting a first-century BC ideology of *homines novi* back to Cato Maior, albeit mostly with reference to Cato's self-projection as a man of rustic virtues.⁴² On the other hand, it is clear that Cato engaged in a strong discourse about moral virtue to contrast himself with the contemporary *nobiles* and that this was a result of his *novitas*, as argued by Astin.⁴³ Whether Cato was creating or tapping into a discourse of *novitas* is impossible to know and not relevant to Cicero's use of Cato as an exemplary *homo novus*, except, of course, if being an exemplary *novus* entailed tapping into such a discourse. More important, however, is the fact that Cicero could employ Cato as a successful *homo novus* whose exemplum could be imitated by himself and other *homines novi*.

We have seen Cicero in the *Pro Sestio* invoke the exempla of new men to encourage the sons of *nobiles* to strive for political offices through the display of talent (*ingenium*) and virtue (*virtus*) as embodied by *homines novi*.⁴⁴ This exhortation is somewhat radical and very much connected to Cicero's overall rhetorical strategy of steering the younger generation towards his own ultimate vision of *boni* politicians. On the whole, Cicero does not put up new

⁴⁰ Hölkeskamp (2004a) 225–9 with references to fragments of Cato's oratory.

⁴¹ Plut. *Cat. Mai.* 1.1 (transl.: Astin (1978) 2).

⁴² Dench (1995) 85 with n. 95.

⁴³ Astin (1978) 66–8.

⁴⁴ Cic. *Sest.* 136–7. See the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

men as exempla for all politicians, but their function as exempla for other new men is a recurring theme in Cicero's works.⁴⁵

In general, modern scholars have agreed that new men did indeed look back at past *homines novi* as precedents and sometimes presented themselves as followers of these past models of political success in spite of *novitas*.⁴⁶ There is, however, a difference between claiming a historical figure as an ancestor on the one hand, and as an exemplum which one will follow on the other. Mostly Cicero claims somebody as an exemplum to be followed in conduct or motivation, and not as an ancestor as such. The reference to Scipio Aemilianus in the fourth *Verrine* speech comes close to Cicero appropriating himself as a more suitable descendant to Aemilianus than the actual descendant Scipio Nasica, but this is an exception. However, the claim to follow a personal exemplum is parallel to the *nobiles'* claim (or the expectation) to follow their family exempla. In this way, claims to personal exempla border on the notion of ancestral imitation, even if not explicitly expressed. Indeed, it is exactly this similarity which lends force and credibility to such claims to follow personal exempla.

The idea of personal exempla itself was not foreign to the Romans. A construction of a catalogue of *popularis* politicians and their followers similar to that of the *homines novi* can be observed in the late Republic. In his *Academica*, Cicero argues that rebellious politicians refer to famous historical figures as being *populares* in order to make themselves appear to resemble them, listing a number of names and claiming to be following their principle.⁴⁷ Cicero's view is confirmed by a number of instances. Indeed, already C. Gracchus referred to the exemplum of his brother Tiberius in various ways and contexts, playing on both brotherly *pietas* and *popularis* exemplarity.⁴⁸ Saturninus used the memory of the

⁴⁵ Cic. *Verr.* 2.3.7, 2.5.180–2; *Clu.* 111–12; *Leg. agr.* 1.27, 2.1–10; *Mur.* 15–17, 24; *Sull.* 23–5; *Sest.* 136–7; *Font.* 43; *Scaur.* fr. 1–4; *Fam.* 3.11.2.

⁴⁶ Vogt (1926) 6, 25–6; Schur (1929) 55; Gnauk (1936) 49–50, 81, 103–4; Wiseman (1971) 107–9; Blösel (2000) 83; Dugan (2005) 11–12; Dench (2005) 240. The older scholarship, in particular, looks at Cato Maior and Marius as exempla for Cicero. Roloff's distinction between what Vogt had called 'a series of spiritual ancestors' ('eine Reihe geistiger Ahnen') and 'precedents' ('Präzedenzfälle'), of which he could only argue for the existence of the latter, is one of terminology rather than substance: Roloff (1937) 20 with reference to Vogt (1926) 6. Cf. Roloff (1937) 144 with n. 5.

⁴⁷ Cic. *Acad. Pr.* 13–14.

⁴⁸ Speeches: Schol. Bob. Cic. *Sull.* 26 (Stangl (1964) 81) (citing a speech by Gaius) = ORF⁴ C. Sempronius Gracchus fr. 47; Plut. *C. Gracch.* 3 = ORF⁴ C. Sempronius Gracchus fr. 31; *Char.* 313, 18 = ORF⁴ C. Sempronius Gracchus fr. 17: 'The most evil men have killed my brother Tiberius, the best of men. Look here! See how exactly alike he and I are.' (*peccimi Tiberium fratrem meum optimum interfecerunt. em! Videte quam par pari sim.*) Gaius even proclaimed publicly that Tiberius had appeared in a dream explaining that Gaius ought not to delay his political career but must perish pursuing it: Cic. *Div.* 1.56 = Coelius Antipater fr. 49 *hist* with

Gracchi to further his own political agendas.⁴⁹ Cicero informs us that the tribune Labienus as part of his prosecution of Rabirius on charges of *perduellio* in 63 BC, produced an *imago* of Saturninus, and Cicero's criticism suggests that Labienus had furthermore compared himself to C. Gracchus.⁵⁰ Outside rhetoric, there is the example of Sex. Titius who kept a bust of Saturninus in his atrium, where a *nobilis* would normally have placed his *imagines*, thus implying that Saturninus was his personal exemplum. Titius was convicted for offending the ban on portraits of Saturninus and sent into exile.⁵¹ Furthermore, Cicero's son-in-law, Dolabella, set up a statue of Clodius in 47 BC, clearly aligning himself with the murdered *popularis* tribune.⁵² In speeches after his return to Rome, Cicero argues from negative exempla that C. Gracchus would not have acted like Labienus and Clodius, implying that they did not live up to the image of Gracchus and thus further implying that there was indeed such a discourse of *popularis* exempla.⁵³ In another instance, Cicero casts Catiline in a tribunician/*popularis* light, rather than that of an aspiring consul, by comparing him to the Gracchi, Saturninus, and Flaccus in the first Catilinarian speech.⁵⁴ Such associations could therefore also be claimed by others and with the aim of criticizing actions or intentions rather than boosting credentials. Sallust made the tribunes Memmius and Macer remind their audiences of past tribunes and their fates in protecting the rights of the people, placing themselves as the contemporary example of this tradition.⁵⁵ Whilst Sallust may not be the most reliable source for the content of such tribunician speeches held in the 110s and the 70s BC, as a tribune of 52 BC, he could be said to be a good source for the themes and arguments used by tribunes of the 50s BC—themes and arguments which seem to have harked back to the tribunes of 130–100 BC.⁵⁶

Wardle (2006) comm. *ad loc.* (political interpretation) and Bannon (1997) 127–31 (brotherly *pietas* expressed and politicized).

⁴⁹ *Rhet. Her.* 4.67; *Cic. Sest.* 101; Flower (2006) 82.

⁵⁰ *Imago*: *Cic. Rab. perd.* 25; *Quint. Inst.* 6.1.49; references to C. Gracchus: *Cic. Rab. perd.* 13–15. Flower (1996) 83–4 points out that this was probably not a proper *imago* but another kind of portrait, yet Brooke (in a forthcoming article entitled “‘Causa ante mortua est quam tu natus es’”: Aspects of the Funeral in Cicero's Pro rabirio perduellionis reo) convincingly argues that the effect would have been the same.

⁵¹ *Cic. Rab. perd.* 24; *Val. Max.* 8.1 damn. 3; Flower (2006) 83–5.

⁵² *Cic. Att.* 11.23.3.

⁵³ *Cic. Rab. perd.* 14 and *Dom.* 24. For further discussion see Seager (1972), esp. 332–3; Morstein-Marx (2004) 266–73. See also Taylor (1962) in which the *popularis* politics of the Gracchi are traced back in time, thus implying that the Gracchi were taking the exempla of past *populares* as models for their own measures and actions. See Wiseman (1971) 107 for a different context, and Seager (1977) for the Livian tradition. I am grateful to Amy Russell for sharing with me her collection of evidence on *popularis* exempla.

⁵⁴ *Cic. Cat.* 1.3–4, 1.29.

⁵⁵ *Sall. Iug.* 31.6–8, 13; *Hist.* 3.34.8–13 (McGushin 1994).

⁵⁶ See the discussion in the section ‘Exile and triumphant recall’ in Chapter 8.

PERSONAL EXEMPLA

The most elaborate claim to an alternative ancestry employed by Cicero lies in his references to specific personal exempla. By arguing that some historical individuals can be adopted by all Romans as models of behaviour, such as Scipio Aemilianus seen above, Cicero implies that it is possible to adopt an ancestor outside the family. Such personal exempla form a substantial and important part of Cicero's rhetorical and political strategy. Among his chosen personal exempla we find both *homines novi* and *nobiles*, Romans, and Greeks. This category of Cicero's personal exempla can therefore not be seen as an equivalent to either of the two categories above on great Romans as exempla for all and *homines novi* as exempla, because neither of them include Greeks. Rather this category of Cicero's personal exempla is his individual choice of role models within and outside the two other categories. Furthermore, there is a difference in application. The general claims that some Romans can stand as exempla to all, or that *homines novi* of the past provide models of conduct for present *novi*, aim at presenting exempla of more general appeal, while Cicero's personal exempla are made to fit or contrast with his case in very specific ways, as will be discussed in the following.

We cannot be certain as to Cicero's true beliefs and actual opinion of these historical figures, because it is extremely difficult, if not almost impossible, to distinguish the rhetorical strategy, also in letters and theoretical works, from Cicero's innermost convictions. Indeed, we cannot know with certainty whether Cicero's choice of personal exempla was a moral choice, as he advocates in *De officiis*.⁵⁷ However, this study does not aim at identifying Cicero's true feelings about these historical examples, but rather at identifying those historical figures whom he represents himself as following because these exempla can help to elucidate Cicero's rhetorical and political strategy.

Most modern scholars agree that Roman orators and politicians could claim to adhere to such personal exempla and, in particular, that new men such as Cicero argued from exempla of *homines novi*, as we have seen above.⁵⁸ However, they do not all take the logical step of arguing that since it was possible to argue from personal exempla among *homines novi* it was also possible to argue from personal exempla outside the limited circle of *homines novi*.⁵⁹ Authors such as Treggiari, Blösel, and Dugan find that Cicero attempted to make some

⁵⁷ Cic. *Off.* 1.115–21 discussed in the section 'The choice of historical exempla' in Chapter 6.

⁵⁸ Vogt (1926) 6, 25–6; Schur (1929) 55; Gnauk (1936) 49–50, 81, 103–4; Wiseman (1971) 107–9; Blösel (2000) 83; Dugan (2005) 11–12.

⁵⁹ Gnauk and Wiseman, for example, do not discuss this further aspect.

of the ancestral family exempla of the nobility into general exempla for all Romans.⁶⁰ These general examples could be interpreted as providing personal exempla for those who wanted to use them, only these authors do not discuss this possibility explicitly.

Personal exempla are employed throughout Cicero's œuvre. There is no clear distribution of personal exempla between the various genres, although slight tendencies can be found. For instance, exempla of great orators are more dominant in the rhetorical works than in the speeches, and exempla of exiles are found more often in speeches than in philosophical works. However, instances of the opposite can also be found. Therefore, the immediate context of the individual work must always be taken into consideration when examining these possible personal exempla. As with historical examples in general, discussed in Chapter 6, genre is too crude to be the only measure to distinguish between Cicero's choice and employment of personal exempla. Likewise, the historical figures Cicero represents as models for his own conduct are exemplary in a number of ways, depending on the situation and the message Cicero wants to put across. Furthermore, the same historical figure can exemplify different actions or notions, possessing a similar flexibility as seen for historical exempla in general. As long as Cicero could persuade his audience of the reliability of his exempla, various lessons from the same figures seem not to have caused any loss of credibility on the part of Cicero or his chosen exemplum.

Personal exempla can be detected in a variety of ways in Cicero's works. First, on an inter-textual level, Cicero sometimes emulates a literary model in his composition. Second, Cicero's choice of interlocutors in his theoretical works suggests a possible admiration and sometimes even a wish for emulation. Third, in all genres of his works, Cicero refers explicitly to historical figures as models for himself. Fourth, and less explicitly, Cicero praises individuals from the past for something that he strives to achieve himself, implying an exemplary role of these individuals in relation to himself. Such references appear in all genres as well. The first variety will be considered briefly below when relevant to the overall discussion. The second variety, interlocutors, will be treated in general in the subsection following whereas specific interlocutors will be discussed when the individual dialogues are taken up in Chapter 8. The two last varieties of Cicero's references to personal exempla provide such substantial material that they will be discussed in the chronological analysis of Cicero's personal exempla in Chapter 8.

⁶⁰ Blösel (2000) 70–2; Treggiari (2003) 158; Dugan (2005) 11–12.

Interlocutors as personal exempla in general

In his choice of interlocutors in his treatises in general, Cicero was moved by considerations of genre, place, time, and the figures themselves.⁶¹ Clearly, the inspiration from Platonic dialogues was a factor in Cicero's choice of setting and interlocutors, but there was a distinctive Roman flavour to the dialogues as well. The appropriate place was mostly a villa in Italy, but book five of the *De finibus* illustrates that Athens was also a possibility. The appropriate time was often during a festival or other holiday, when the interlocutors would be free from their obligations to the state. As interlocutors, Cicero sometimes chose himself, family members, and friends for the whole or parts of a dialogue (for example the *De legibus*, *Academica*, *De divinatione*, *De finibus*), sometimes he chose historical figures from the past (*De republica*, *De senectute*, *De amicitia* among others). But the interlocutors were almost always prominent Roman senators and intellectuals and never Greek politicians, rhetoricians, or philosophers.⁶²

Cicero argues that for the sake of credibility his choice of interlocutors has to be based on historical probability, that is, the presentation of the interlocutors has to resemble the real historical figures, who could plausibly have discussed the subject matter at hand. This argument goes hand in hand with the importance of credibility for historical exempla in general.⁶³ Furthermore, Cicero argues that such dialogues gain dignity when based on historical figures instead of fictional ones, and more so if they are famous and respected, as Scipio and Laelius were. We have already seen Cicero argue that Scipio and Laelius were truly virtuous men and thus trustworthy exempla.⁶⁴ This means that they are important both for the qualities they represent (good morals and sound views on the state) and for the historical reality that they represent. It would not work as well if Cicero created his own characters to discuss the same issues because they would lack the authority of real individuals. However, it is important to remind ourselves that Cicero's portrayal of his interlocutors might not represent the historical truth as such; he clearly moulds his interlocutors to fit his overall messages.⁶⁵

⁶¹ See Steel (2005) 106–14 for a general discussion of Cicero's choice of interlocutors in his dialogues.

⁶² For the appropriate place and interlocutors of Cicero's dialogues see Linderski (1989) esp. 105–12; Griffin (1994) 694–5.

⁶³ Cic. *Inv. rhet.* 1.29. Cf. *De or.* 2.7–9; *Att.* 12.20.2; *Brut.* 218–19. See also 'The importance of *auctoritas*' in Chapter 6 for discussion of the authority and credibility of historical exempla.

⁶⁴ Cic. *Amic.* 4; *Fin.* 1.12; *Top.* 78; *Tusc.* 5.54–6.

⁶⁵ Cic. *Fam.* 7.32.2, 9.8.1; *Sen.* 3; *Amic.* 4, discussed a few pages below. Cf. Cic. *De or.* 2.13, 2.22; Scholz (1963) 55–7 on *De oratore*; Badian (1984) 124; Dugan (2005) 87–104 on *De oratore*. Pace Burton (2007) who argues that Cicero's dialogues, with the *De amicitia* as test case, might reflect actual historical conversations rather than Ciceronian inventions.

The interlocutors have to be real, historical figures, but do they have to be exemplary? In a sense, the chosen historical figures are made to be exemplary simply by the choice of them and by the attributions to them of particular views. At least, they are represented as exemplary, even if they were not regarded as such in their lifetime. In other words, simply by choosing particular historical individuals, Cicero can create exempla of the various roles in his dialogues: Scipio and Laelius are wise men and experienced politicians (*De republica*, *De amicitia*), Crassus and Antonius ideal orators (*De oratore*), and Cicero himself the good statesman (*De legibus*) and orator (*Brutus*, *Orator*).

In certain cases, Cicero openly discusses his general considerations as to the choice of interlocutors, which gives us some hints as to their potential exemplarity. In a letter to his brother from autumn 54 BC, Cicero explains that he is working on a work 'on the best kind of state and the best citizen' (*de optimo statu civitatis et de optimo cive*), which is populated by the interlocutors Scipio Africanus (Aemilianus), Laelius, Philus, Manilius, Rutilius, Q. Tubero, Fannius, and Scaevola, in other words Cicero's *De republica*. He then goes on to summarize the comments of his friend Sallustius (not the historian) on the work and, in particular, the choice of interlocutors:

But when these two books [part of the whole work] were read to me at Tusculum in Sallustius' hearing, he pointed out that these matters could be treated with much more authority if I spoke of the commonwealth in my own person. After all, he said, I was not Heraclides of Pontus but a Consular, one who had been involved in most important state affairs. Speeches attributed to persons so remote in time would appear fictitious. In my earlier work on the theory of oratory, he said, I had tactfully separated the conversation of the orators from myself, but I had put it into the mouths of men whom I had personally seen. Finally, Aristotle's writings on the state and the preeminent individual are in his own person.⁶⁶

Sallustius thinks that Cicero should change the interlocutors from the planned circle around Scipio Africanus (Aemilianus) to Cicero himself and his friends. This viewpoint is supported by three exempla: Heraclides of Pontus from whom Cicero differs; Cicero's own earlier work *De oratore* had a better choice of interlocutors which should be adopted again; and, finally,

⁶⁶ Cic. Q Fr. 3.5.1 (October–November 54): *ii libri cum in Tusculano mihi legerentur audiente Sallustio, admonitus sum ab illo multo maiore auctoritate illis de rebus dici posse si ipse loquerer De republica, praesertim cum essem non Heraclides Ponticus sed consularis et is qui in maximis versatus in re publica rebus essem; quae tam antiquis hominibus attribuerem, ea visum iri ficta esse; oratorum sermonem in illis nostris libris, qui essent de ratione dicendi, belle a me removisse, ad eos tamen rettulisse quos ipse vidissem; Aristotelem denique quae De republica et praestanti viro scribat ipsum loqui.*

Aristotle as a positive exemplum to be followed by Cicero. Sallustius uses historical exempla in several ways to convince Cicero. Moreover, this open discussion of the choice of the best possible interlocutors suggests that both Cicero and his readers expected to hear Cicero's views on the state through the mouths of the interlocutors, rather than an account of what the historical figures of Scipio Aemilianus and the rest were thought to have believed. In other words, the dialogue is understood to show the thoughts of the author and his day rather than those of the historical figures employed as interlocutors. On the other hand, the choice of interlocutors must still seem realistic; hence Sallustius' advice of choosing interlocutors whom Cicero has himself experienced. Lastly, given the fact that Sallustius regards Cicero as an equally good interlocutor as Scipio, Sallustius might also see Cicero as an equal to Scipio in real life—or is Sallustius simply flattering Cicero?⁶⁷ Alternatively, Sallustius thinks that speaking through the mouth of Scipio is a bit preposterous for Cicero.

Indeed, in another letter, Cicero says clearly that he speaks through the persona of his interlocutors: 'if the other varieties which I discussed through Antonius' mouth in the second volume of my treatise *On the Orator* shall not appear neatly pointed and *secundum artem*: why you may go bail that the thing is not mine.' (*nisi cetera quae sunt a me in secundo libro De oratore per Antoni personam disputata de ridiculis ἐν τεχνῶν et arguta apparebunt, ut sacramento contendas mea non esse.*)⁶⁸ Even if Cicero has forgotten that it was actually not Antonius, but C. Julius Caesar Strabo who had this role in the *De oratore*, he still states that he is speaking through the mouthpiece of his interlocutors. The purpose of having interlocutors seems to have been to explain Cicero's view with the further authority of a historical figure backing it up. Indeed, Cicero argues in a letter to Varro that the conventions of a dialogue are not to furnish the reader with a historical truth: 'I dare say you will be surprised when you read to find that you and I have discussed a subject which in fact we have never discussed; but you know the conventions of Dialogue.' (*puto fore ut, cum legeris, mirere nos id locutos esse inter nos quod numquam locuti sumus, sed nosti morem dialogorum.*)⁶⁹ This is not only true for the *Academica*, in which Cicero, Atticus, and Varro starred, but also for Cicero's other dialogues. In fact, Cicero boldly states in the introduction to the *De senectute* that: 'if he [Cato] shall appear to argue more learnedly than he himself used to do in his own works, attribute it to Greek literature, of which he is known to have been studying a great deal in his old age. But what

⁶⁷ Dyck (1998) 154; Dugan (2005) 88.

⁶⁸ Cic. *Fam.* 7.32.2 to Volumnius Eutrapelus (February/March 50).

⁶⁹ Cic. *Fam.* 9.8.1 (July 45). Cf. *Att.* 13.19.3–4 for more discussion of this dialogue.

more needs to be said? For now the words of Cato himself shall lay out all my views on old age.' (*Qui si eruditius videbitur disputare quam consuevit ipse in suis libris, attribuito litteris Graecis, quarum constat eum perstudiosum fuisse in senectute. Sed quid opus est plura? Iam enim ipsius Catonis sermo explicabit nostram omnem De senectute sententiam.*)⁷⁰ In other words, Cato is just the mouthpiece for Cicero's views, and Cicero is well aware that he will have to misrepresent Cato in order to fit in his own views.⁷¹

Interlocutors seem mostly to be chosen in order to strengthen the author's views expressed through the interlocutors by building on their own credibility and authority, and thereby their exemplarity. However, in some cases other reasons play a role as well. During his work on the *Academica* in 45 BC, Cicero decided to revise the dialogue and to change the interlocutors from deceased Roman intellectuals such as Catulus, Lucullus, and Hortensius (and himself) to the living Varro, Atticus, and Cicero himself. The reason for Cicero's change of interlocutors appears, at least partly, to be the influence of Atticus.⁷² In a letter to Atticus, Cicero replies to what seems to have been a request of Atticus' to praise Varro, the great scholar and legal expert, in a literary way. Cicero comes up with several excuses for not having done it before, even if he was asked already in 54 BC,⁷³ but promises that his *Academica* will be assigned to Varro. The obligation to praise Varro seems to have been Cicero's initial motivation for changing the set-up of *Academica*.⁷⁴ In later letters to Atticus on the subject, Cicero argues that he had already considered Catulus, Lucullus, and Hortensius less suitable interlocutors because of their lack of philosophical interests, and thought of changing them to Cato and Brutus when Atticus' suggestion of Varro came as an answer to Cicero's doubts.⁷⁵ Varro was much more interested in philosophy than any of the other interlocutors, but Atticus also believes Cicero was obliged to repay Varro's promise to dedicate his *De Lingua Latina* to Cicero by dedicating a work to Varro. In other words, Varro's suitability as an interlocutor rested on his credibility as a philosophical thinker and in Cicero's need to return Varro's promised dedication. Indeed, in

⁷⁰ Cic. *Sen.* 3. Cf. Cic. *Amic.* 4 (where Cicero remarks that in his work (i.e. the *De senectute*) he is speaking through Cato).

⁷¹ For Cicero's tailoring of Cato in the *De senectute* to his own purposes see Padberg (1933); Gnauk (1936) 99–100; Narducci (1989) 19–22.

⁷² Cicero refers to this work and the question of interlocutors in the following letters to Atticus: *Att.* 13.12.3, 13.13–14.1, 13.14–15.1, 13.16, 13.18, 13.19.3–5, 13.21a.1, 13.23.2, 13.24.1, 13.25.3, 13.35–6.2, 13.44.2. For the composition of the *Academica* and in particular the reasons behind the choice of interlocutors see Griffin (1997b).

⁷³ Cic. *Att.* 4.16.2.

⁷⁴ Cic. *Att.* 13.12.3, 13.14–15.1, 13.19.3, 13.25.3.

⁷⁵ Cic. *Att.* 13.12.3, 13.16.1, 13.19.5.

his dedicatory letter to Varro, Cicero emphasizes both reasons for his choice.⁷⁶ The development in Cicero's thoughts, traceable in his letters to Atticus, suggests that the choice of Varro as interlocutor is more a result of Atticus' suggestion and thereby of Cicero's wish to honour Varro and repay his promise of dedication than of Varro's philosophical outlook, since this latter reason is only propounded in the later letters.⁷⁷

Cicero's first choice of interlocutors for the *Academica* was based on the wish to praise these deceased great Romans, and his decision to change the set-up was also the result of his concerns to please Atticus and Varro. The choice of interlocutors of both the first and second edition stemmed more from networking and praising than from the exemplarity of the interlocutors. The exemplarity was still there, as the praise of the interlocutors illustrates, but it seems to have been of less importance than the obligation felt by Cicero to praise these people. This difference helps to illustrate that personal admiration was not the only reason behind the choice of interlocutor, warning us against taking every interlocutor as a personal exemplum of Cicero.

Varro was to be praised not only as interlocutor in the second edition of the *Academica* but also as dedicatee or addressee of that work, a choice which was the result of Cicero's sense of obligation to Varro rather than Varro's exemplarity, general or personal. Indeed, a quick glance down a list of the addressees of Cicero's theoretical works suggests that Cicero's choice was steered not so much by the addressees' personal exemplarity but more by a sense of honouring and teaching his addressee by dedicating a work on a topic in which the addressee is understood to be interested: Quintus appears as the instigator and dedicatee of the *De oratore*, M. Junius Brutus of the *Orator*, Atticus of the *De amicitia*, and Trebatius Testa of the *Topica*.⁷⁸ This sense is supported by the fact that most dedicatees are living individuals such as Quintus, Brutus, Atticus, Trebatius, Varro, and Cicero's son Marcus, and furthermore mostly younger than Cicero himself. The occasional dedication to a deceased individual such as Hortensius, who is made to argue against the study of philosophy in the now lost work entitled *Hortensius*, does not detract from the overall impression that addressees are not presented as Cicero's personal exempla.⁷⁹

⁷⁶ Cic. *Fam.* 9.8. Cicero refers to this promise in his letter to Atticus as well: *Att.* 13.12.

⁷⁷ This conclusion is also proposed by Griffin (1997b) 15–16. Steel (2005) 107, 113 instead emphasizes the philosophical suitability of Varro as the main motivation. For the internal relationship between Cicero and Varro see Wiseman (2009) 107–29.

⁷⁸ Cic. *De or.* 3.13–14; *Or.* 1–3; *Top.* 1–5; *Amic.* 4 with Leeman *et al.* (1981) 21–2 who calls this 'Der Topos der Bitte-Widmung' (22) ('the topos of dedication-upon-request').

⁷⁹ Cic. *Fin.* 1.2. For Hortensius as a personal exemplum see the section 'Hortensius' in Chapter 8.

The discussed passage from the *Academica* indicates that these dialogues are literary constructs, but also that these constructs should still be seen as having some connection with reality through the choice of interlocutors and the opinions expressed by these interlocutors. The historical credibility was as relevant for the impact of the interlocutors as exempla as for historical exempla in general. The functions of these exemplary interlocutors were persuasion and often a moral-didactic purpose. But it seems that the dialogue form was also aimed at achieving an aesthetic end because references to past great men were a delight to listen to, as Cicero argues in the third *Verrine* speech, and because the sheer liveliness of the dialogue was more attractive than an anonymous exposition.⁸⁰

Cicero nowhere states explicitly that his interlocutors are chosen because they are exemplary to himself, that is, his personal exempla. But given the fact that he strove, and was understood by others, to air his own opinions through the personae of his interlocutors, it seems not at all impossible that he chose these dialogue partners because they were known to have had opinions similar to his own and thus contained an element of exemplarity for himself.⁸¹ In order to determine which interlocutors can be regarded as such personal exempla, it is helpful to identify factors which can indicate such exemplarity. As Cicero does not discuss this directly, we have to rely on his own employment of interlocutors. L. Licinius Crassus in the *De oratore* is perhaps the most obvious example of an interlocutor presented as a personal exemplum; therefore the case of Crassus provides good indications of which factors to look out for.

The first factor to indicate exemplarity for Cicero is praise of the interlocutor in the work in which he appears: Crassus is praised explicitly by Cicero in the preface to the second book of the *De oratore* as a great orator who based his oratorical skills on a combination of broad education and practical experience.⁸² Within the dialogue, Crassus is praised by the interlocutor Antonius for being a first-rate orator, *summus orator*, who commanded to perfection the art of *pathos*, emotional appeal to the audience.⁸³ The second

⁸⁰ Cic. *Verr.* 2.3.209; *Amic.* 3.

⁸¹ Steel (2005) 108: 'These *mises-en-scène* are not simply an alternative history of Rome of general application, though that is certainly an element in their force; they are also Cicero's personal history, and the individuals involved are metaphorical forebears whom Cicero can claim as a result of his own actions. Thus the writing of the treatises is a way in which Cicero can compensate for his lack of prestigious biological forebears.' See also Dugan (2005) 87–104 for Cicero's creation of a persona through his choice of interlocutors in *De oratore*: 'Cicero thus fashions the ancestors who fashioned him. Cicero presents these interlocutors as prefigurations of his own rhetorical self and constructs his own ancestry (93).' Gildenhard (2007a) 23 further supports this idea.

⁸² Cic. *De or.* 2.1–11.

⁸³ Cic. *De or.* 1.122, 2.188.

factor is proximity between the presentation of the interlocutor and Cicero himself in terms of background, opinion on the topics discussed, or execution of such opinions. In the *De oratore*, Crassus is presented as an orator well trained in rhetoric, law, history, and philosophy, and he is made to promote the importance of theoretical instruction in these subjects, combined with practical experience, in response to Antonius' view that practical experience is enough on its own.⁸⁴ In this way, Crassus is portrayed as similar to Cicero in education, in their views of education and oratory, and in their brilliant oratorical skills.⁸⁵ The final factor to indicate exemplarity for Cicero is the existence of other references to the particular historical figure as a personal exemplum outside the dialogue. Cicero indeed refers to Crassus as an exemplary orator and a personal exemplum to himself in speeches and theoretical works before and after he wrote the *De oratore*.⁸⁶ The details and implications of these references will be discussed in the following, but here suffice to say that such references exist and their sheer number combined with the direct mentions of Crassus as exemplary to Cicero make clear that Cicero wanted to present Crassus as a personal exemplum. In order to discern which interlocutors are presented as personal exempla, it is necessary to look for the three factors of praise, proximity, and references to the interlocutor's exemplarity outside the dialogue in discussion. When Cicero provides direct evidence for his choice of interlocutors, as in the case of the *Academica*, this too must be taken into consideration.

⁸⁴ Cic. *De or.* Book 1.

⁸⁵ Cicero's education is discussed in Chapter 3.

⁸⁶ Cic. *Div. Caec.* 25; *Verr.* 2.2.191–2, 2.3.3–5; *Caecin.* 52–3, 69; *Clu.* 140; *Pro Vareno* fr. 10; *Rab. perd.* 26; *Pis.* 62; *Leg.* 3.42; *Brut.* 138, 143–5, 150, 164; *Orat.* 219, 222–6; *Tusc.* 1.10; *Par. Stoic.* 41; *Off.* 1.108, 1.133, 2.47, 2.57, 2.63, 3.47.

Cicero's use of personal exempla

Cicero's self-representation falls into a pattern which follows the phases of his public life from an aspiring new man to an experienced and exemplary statesman. That is not to say that for each phase Cicero projects himself in one way only. Indeed that would have been a less effective political strategy in that the expectations of and demands on his person shifted with each situation in which he spoke and acted. However, overall changes in his self-representation can be traced to particular changes in his public and political circumstances.

Spurred by variations in his political influence, Cicero adopts a range of strategies in order to exploit his influence or make up for the lack of it. One of his strategies is to don specific roles or personae supported by aspects taken from a variety of personal exempla as part of a conscious self-representation. Cicero's references to these exempla, as to his historical exempla in general, are all extremely context-sensitive and cannot be understood properly outside the rhetorical and political circumstances in which they appear. It therefore makes sense to trace Cicero's choice and employment of personal exempla within these phases of his life in order to convey his rhetorical and political strategy and hence his attempts to build up his public persona.

The focus will be on Cicero's adding of new representations or personae and the development of existing personae over time through an analysis of the personal exempla adopted. We shall see the ways in which Cicero's careful selection and flexible use of the personal exempla help him to accumulate and develop a range of personae suitable for a number of occasions. The source material contains all of Cicero's extant works: speeches, letters, and theoretical works. Fragments of speeches will only be included when they contain relevant references to historical figures as exempla.

AN ASPIRING NEW MAN

After his long and comprehensive education, discussed in Chapter 3, Cicero was ready for the public scene. Cicero's first public appearances in 81–79 BC were as advocate for various defendants in court cases. Already at this stage,

Cicero attracted some attention because of his oratorical skills, but such appearances as advocate were still the norm for young Romans aspiring for a political career.¹ After his educational tour to Greece and Asia Minor (79–77 BC), Cicero took on more cases and had his public breakthrough with his prosecution of Verres in 70 BC. By then, Cicero had already been a quaestor in Sicily and he was curule aedile designate for 69 BC. Taking on the prosecution of Verres was a risky strategy as prosecution at Cicero's age was not traditional and he had to defend doing so in the speech *Divinatio in Caecilium*, the speech in which he promoted himself as the most suitable prosecutor of Verres.² Furthermore, Cicero presents the case as partly politically motivated through his self-presentation as a *homo novus* who will support the Senate and the *boni* only as long as they live up to the traditional values of the Senate. If not, more able men will take over from the corrupt senators. Indeed, it was in the same year that the consuls Crassus and Pompey made some significant changes in the political power balance; besides restoring the tribunes to their legislative power and the possibility for further political offices, the *equites* were given one-third of the seats in the juries together with the senators, who had monopolized these seats in over a decade, and the *tribunii aerarii*, who are treated as *equites* by Cicero.³ It is this change to which Cicero refers in the *Divinatio in Caecilium* and the *Verrine* speeches, although mainly as a rhetorical point rather than a real threat, given that the law altering the composition of the juries was certain to be passed at the time Cicero spoke.⁴

In the following years, Cicero tried to further his own career by taking up cases which would provide him with substantial and positive public attention and a supportive network of loyal clients and friends in both Rome and the *municipia*. Such were, among others, his defences of A. Caecina and A. Cluentius. His speech in support of Pompey's command against Mithridates, the *Pro lege Manilia*, in 66 BC was also intended to achieve exactly that by taking up a popular cause and displaying his patriotic feelings and sense of goodwill towards the influential Pompey, the *publicani*, and the allies and provincials in Asia. His defence of the ex-tribune Cornelius on a charge of *maiestas* (treason) in 65 BC has been argued to be Cicero's most *popularis* speech in defence of the tribunician institutions against a senatorial minority who wanted a return to Sulla's curtailment of the tribunate.⁵ With this defence, Cicero hoped to curry Pompey's favour (Cornelius had been

¹ Cic. *Brut.* 312.

² Cic. *Div. Caec.* 1, 70.

³ Berry (2003) 223.

⁴ Mitchell (1979) 137–8.

⁵ Griffin (1973) esp. 211–13. Steel (2001) 173–81 finds the speech both *popularis* and conservative.

Pompey's quaestor and had taken up Pompey's political programme) as well as that of the majority of the Senate, together with the *populus*. In 65 BC, Cicero had already been praetor and was now on the verge of canvassing for the consulship. He would need to change his strategy towards projecting a more conservative outlook.

For clues to Cicero's models in his youth and early career, Cicero's early rhetorical work, the *De inventione* (c. 91 BC), and a number of speeches from the period 81–66 BC provide material.⁶ Unfortunately, we have only a few letters from the period before Cicero's consulship and none of these displays any thoughts on his personal exempla. This material can be supplemented by references to Cicero's youth in later works, albeit with caution since the representation of these personal exempla might have been coloured by Cicero's later experiences.

In the body of material written in Cicero's youth and early career, Cicero's public persona is not very marked. The *De inventione* presents an almost anonymous, albeit Roman, view of rhetoric, whereas Cicero in his forensic speeches involves his own person much less than in later speeches.⁷ We have already observed that Cicero's early speeches, which were often delivered in civil law court cases, contained fewer historical exempla than later speeches. A similar trend is discernible for his employment of personal exempla. Nonetheless, a small number of possible personal exempla do turn up in these works, both in the speeches and in the *De inventione*.

During Cicero's education in Rome, he had been taught in the house of L. Licinius Crassus, the great orator and consul of 95 BC, as discussed in Chapter 3. It is therefore not surprising that Cicero makes references to Crassus in his early speeches.⁸ In the speech *Pro Cluentio* from 66 BC, Cicero explicitly argues that he has taken the exemplum of Crassus as a model for his own conduct:

They say that the talented man, M. Antonius, used to say that because he had never written down any speech he could, if something said by him once became disadvantageous, deny having said it; just as if what is said or done by us would not be remembered by men, unless we put it down in words. But I follow in this respect more

⁶ These speeches are *Pro Quinctio* (81 BC), *Pro Sex. Roscio Amerino* (80 BC), *Pro Roscio comoedo* (76–68 BC), *Div. in Caecilium* and *In Verrem I–II* (70 BC), *Pro Fonteio* (?69 BC), *Pro Caecina* (?69 BC), *Pro Cornelio* (67 BC), *Pro Cluentio* (66 BC), *Pro lege Manilia* (66 BC). I adopt the dating in Powell & Paterson (2004) Appendix, 417–22 for these and later speeches.

⁷ See May (1988) 13–14 for a generally concurring analysis of Cicero's oratorical persona in these years.

⁸ Cic. *Div. Caec.* 25; *Verr.* 2.2.191–2; 2.3.3, 2.4.133; *Caecin.* 53, 69; *Clu.* 140–1; *Pro Vareno* fr. 10.

willingly the authority of both many men and of the most eloquent and wise man L. Crassus who, when he defended Cn. Plancius against M. Brutus' accusation . . .⁹

In this speech, Cicero defends himself against the prosecuting counsel who had passages from earlier speeches of Cicero read out in order to make him look inconsistent. Cicero argues that an advocate does not plead out of personal conviction but from conclusions based on the facts of the case. He uses Crassus' handling of the accusation of inconsistency to defend himself against the same accusation. With this straightforward way of employing a historical exemplum, he makes clear that he preferred to follow the model of Crassus above that of other very eloquent and wise men, singling him out as a personal exemplum in this particular situation.¹⁰ His description of Crassus as 'the most wise man' (*sapientissimus*) here points to Crassus' political wisdom; Cicero clearly also admired Crassus' political views.¹¹ A similar lesson which Cicero learnt from Crassus' example was that having prosecuted once there was an obligation to act virtuously for the rest of one's life lest one should be criticized for inconsistency.¹² Having prosecuted Verres, Cicero presents Crassus as an exemplum whose conduct Cicero will take as his law in future, and thereby as a personal exemplum.

Cicero's praise of Crassus as a great orator and a wise man who managed to counter the attack of the opposing counsel is supplemented by his presentation of Crassus as one of the prime examples of a great legal mind.¹³ In the *Verrine* speeches, Cicero argues that the defending advocate Hortensius ought to follow the exempla of Crassus and of his contemporary M. Antonius; the implicit message is that this is precisely what Cicero has done in prosecuting rather than defending Verres. Cicero not only chastises Hortensius but manages to align his own ideal of oratory and advocacy with those of the famous Crassus and Antonius.¹⁴

⁹ Cic. *Clu.* 140: *Hominem ingeniosum, M. Antonium, aiunt solitum esse dicere 'idcirco se nullam unquam orationem scripsisse ut, si quid aliquando non opus esset ab se esse dictum, posset negare dixisse'; proinde quasi, si quid a nobis dictum aut actum sit, id nisi litteris mandarimus, hominum memoria non comprehendatur. Ego vero in isto genere libentius cum multorum tum hominis eloquentissimi et sapientissimi, L. Crassi, auctoritatem sequor qui, cum Cn. Plancio defenderet accusante M. Bruto . . .* For discussion of an advocate's inconsistency see the section 'The importance of *auctoritas*' in Chapter 6.

¹⁰ Whether Cicero had actually heard Crassus' speech himself, heard of it from others, or studied the speech in writing is not clear from this passage. For the question of exemplarity, this is of less importance, as Cicero was free to make references to historical models without having experienced the event mentioned himself.

¹¹ Rawson (1971) 85–6.

¹² Cic. *Verr.* 2.3.3–5.

¹³ Cic. *Caecin.* 52–3, 69; *Pro Vareno* fr.10.

¹⁴ Cic. *Verr.* 2.2.191–2. For a similar point see Cic. *Div. Caec.* 25.

In these early speeches, Cicero refers to Crassus explicitly as an exemplum for himself in his judicial roles as defender and prosecutor, and points to Crassus' political wisdom. Even when Cicero does not set up Crassus directly as an exemplum, his praise of Crassus supports the more explicit passages by indicating Cicero's admiration for the great orator. Therefore, it seems that Cicero presents himself as following the exemplum of Crassus in his early forensic career. The reasons for this presentation were probably a combination of the positive connotations of Crassus' name, to which Cicero tried to attach to his own name and public persona, and Cicero's admiration of Crassus' oratorical qualities and political outlook. Indeed, Rawson has shown that Crassus' influence on Cicero was not just stylistic but even more political, tracing Cicero's references to Crassus as *sapientissimus* throughout Cicero's life.¹⁵

Cicero pairs Crassus with his contemporary M. Antonius, who was arguably of the same oratorical standard as Crassus. Cicero's admiration for the pair's brilliant oratorical skills is expressed most notably in the *Verrine* speeches.¹⁶ Furthermore, Cicero mentions both orators in the same passage in the *Pro Cluentio*, but where Crassus is singled out as a personal exemplum of Cicero's, Antonius is simply referred to as an example of the opposite view, therefore not as exemplary for Cicero's actions.¹⁷ However, Cicero does not deny Antonius' rhetorical powers, and he reminds the defence advocate of Verres, Hortensius, of Antonius' compelling employment of emotional appeal (*pathos*) in his defence of M'. Aquilius in 98 BC. Cicero's purpose with this reference is to warn the judges of a similar tactic by Hortensius on behalf of Verres.¹⁸ Thus, while warning the judges against this tactic of diversion, Cicero also praises Antonius' persuasive oratory. In these early speeches, Cicero does not set up Antonius as a personal exemplum in the same way as he does with Crassus, because Antonius' actions are not models for Cicero's own behaviour. However, his praise of Antonius is still noteworthy as Cicero had met the great orator himself in his youth, and Antonius may have been a *homo novus* too. The only attested office of an ancestor of Antonius is that of

¹⁵ Rawson (1971) 82–8. The earliest reference to Crassus as *sapientissimus* is Cic. *Clu.* 140 discussed above, but the other references are later: *De or.* 1.105, 3.82 (55 BC); *Pis.* 62 (55 BC); *Leg.* 3.42 (after 52 BC); *Off.* 3.47 (44 BC); therefore, they cannot be taken into account in the present section on Cicero's youth and early career.

¹⁶ Cic. *Verr.* 2.2.191–2.

¹⁷ Cic. *Clu.* 140.

¹⁸ Cic. *Verr.* 2.5.3, 2.5.32. Although Hortensius could not display any battle scars of Verres, only love bites, as Cicero points out with mock irony. Cicero's argument that Hortensius ought to follow the example of Crassus and Antonius (*Verr.* 2.2.191–2) is in contrast to his warning to the judges that Hortensius might well adopt oratorical tactics from Antonius (*Verr.* 2.5.32); this conflict might be read as a risk to Cicero's credibility, but could also be seen as an instance of the flexibility of historical exempla used in oratory. For a possible connection between the trial, Hortensius' defence, and coinage see Prag (2007) vi.

tribunus plebis (167 bc), which makes some scholars term Antonius a *homo novus*.¹⁹

Around the time, or shortly before, Cicero wrote the *De inventione*, he frequented Crassus' house and there also met Antonius. It therefore seems remarkable that he, in this work, makes only one reference to Crassus, and notably not to his rhetorical talents. The choice of Crassus seems coincidental and the passage neither praises nor criticizes Crassus.²⁰ References to Antonius are lacking completely. This absence of the two great orators from Cicero's first rhetorical work is noteworthy, especially given the fact that the author of the contemporary rhetorical handbook, *Rhetorica ad Herennium*, argues that one could draw rhetorical exempla from Crassus and Antonius.²¹ Might it be that Cicero's admiration for the pair was still immature, or, more probably, that Cicero was reluctant to include references to Crassus and Antonius in his rather schematic treatise of *inventio* because he preferred to employ schoolbook exempla among whom Crassus and Antonius would not yet feature? In this work, Cicero does seem to have preferred exempla that were long dead. It was certainly not the case that their oratorical skills lacked *inventio* because Antonius is made to present this aspect at length in the treatise *De oratore*.²²

Besides the exempla of Crassus and Antonius, a few other historical figures are mentioned as great Roman orators: Cato Maior, C. Laelius, and Scipio Aemilianus.²³ These exempla were later to become more pronounced in Cicero's works, and Cicero would in later philosophical works single out these men as especially trustworthy exempla.²⁴ Already in the speeches of Cicero's early career, Cato Maior is explored and exploited further as the exemplary *homo novus par excellence* (as we have seen), as a defender of the rights of provincials against Roman governors, and as a general exemplum to all Romans.²⁵ Cicero's inclusion of Cato in his more general list of exemplary Romans illustrates that Cato formed part of a group of great Romans to look for as models and, as argued above, a catalogue of exemplary *homines novi*.

¹⁹ Scholz (1963) 5, 51–2; Gruen (1968) 129; Badian (1990) 388; Fantham (2004) 29: 'almost a *homo novus*'; but Wiseman (1971) does not categorize Antonius a new man. For more discussion of this possibility and Cicero's non-exploitation thereof, see the conclusion to the section 'The orator-statesman outside politics' in this chapter and the overall conclusion to this chapter.

²⁰ Cic. *Inv. rhet.* 2.111.

²¹ *Rhet. Her.* 4.7. Cf. *Rhet. Her.* 4.5 where a passage from a speech of Crassus is employed as an example of the difference between an exemplum and a *testimonium* (proof).

²² Cic. *De or.* 2.99–306.

²³ Cic. *Inv. rhet.* 1.5. Cf. Cic. *Verr.* 2.3.209 for a similar list, and *Rhet. Her.* 4.7.

²⁴ Cic. *Top.* 78; *Tusc.* 5.54–6.

²⁵ Cic. *Div. Caec.* 66; *Verr.* 2.3.160, 2.3.209, 2.5.180.

Cato was clearly an effective exemplum and Cicero's variegated usage of Cato's figure points forward to his later exploitation of Cato in speeches and treatises. The two Scaevolae, Q. Mucius Scaevola Augur (cos. 117 BC) and Q. Mucius Scaevola Pontifex (cos. 95 BC with L. Licinius Crassus), whom Cicero had frequented in his youth because of their legal expertise, were praised for their judicial wisdom and authority in the *Pro Caecina*.²⁶ The two juriconsults must have made a great impression on Cicero for him to include them in this speech. Furthermore, they must have enjoyed a general reputation as legal experts for Cicero's references to work rhetorically.²⁷

Another exemplum who was to become important later in Cicero's career was Q. Caecilius Metellus Numidicus (cos. 109 BC). In the speech *Pro Cluentio* of 66 BC, Cicero does not so much praise Metellus, but he refers to his problems with the violent tribune Saturninus, without saying directly that this led to Metellus' exile. Cicero pairs Metellus with P. Popilius Laenas, who was also forced into exile by a tribune.²⁸ The fate of Metellus, and to some extent that of Popilius, was to become a source of comparison with Cicero's own exile and triumphant return in 57 BC, and it is therefore noteworthy that Cicero refers to the cases of Metellus and Popilius almost a decade before. It suggests that Cicero not only knew of these cases but that he also regarded their cases as rhetorically effective even before their fates became directly relevant to his personal situation.

Finally, C. Marius needs to be considered as a possible personal exemplum of Cicero. Marius seems an obvious model for Cicero because of the similarities in their background. While Rawson has rightly argued that Cicero and his family distanced themselves from the Marii, especially after 91 BC, despite their shared Arpinate background, Cicero knew when and how to exploit Marius' exemplum for his own benefit.²⁹ In his early works, Cicero mostly refers to Marius' military prowess, particularly in the speech *Pro lege Manilia* as an exemplum for Pompey's great command against Mithridates.³⁰ Likewise in the *Verrine* speeches, where Cicero ironically imagines a comparison

²⁶ Cic. *Caecin.* 53 (Scaevola Pontifex: *prudenterissimus homo*), 69 (Scaevolae as legal authorities). For the influence of Scaevola Pontifex on Cicero and his view of law see Harries (2006) 17–26, 101–4.

²⁷ Rawson (1971) 81–2 finds that the Scaevolae influenced Cicero politically as well.

²⁸ Cic. *Clu.* 95. Q. Caecilius Metellus Numidicus (*RE* 97); P. Popilius Laenas (*RE* 28). In fact, Popilius is mentioned before Numidicus as his exile took place before that of Numidicus; a word order followed in later such references. For more details on the background, see the section 'Exile and triumphant recall' in this chapter.

²⁹ Rawson (1971) 76–9. Yet Cicero knew the son of Marius in his youth, as attested by Nep. *Att.* 1.4.

³⁰ Cic. *Leg. Man.* 47, 60. Marius is mentioned alongside other great Roman generals such as Q. Fabius Maximus, Marcellus, and Scipio Africanus.

between the incompetent Verres and the great generals of Rome, including Marius.³¹ However, in the fifth *Verrine* speech, Cicero includes Marius, alongside Cato, in his list of recent *homines novi* who have shown the way to political office for all succeeding new men, including Cicero himself.³² By this argument, Cicero attempts to threaten and encourage the senatorial jury to act virtuously and convict Verres as they ought to in accordance with their status; otherwise new men from the equestrian order will soon take their place in the jury. The *homines novi*, including Marius, demonstrate the possibility of *equites* taking over from the senators on the juries but also the possibility for political success to which a *homo novus* could aspire. Here, Cicero employs his alternative claim to ancestry from past *homines novi*, as discussed above. Given the context of *homines novi* mentioned and Cicero's emphasis on the theme of *novitas*, it seems less likely that Cicero meant his references to Marius to remind the jury of the *populares* and their fight against senatorial dominance. While this fifth speech against Verres was never delivered, it was probably circulated shortly after the trial.³³ Cicero clearly wished to get his message across and to promote his own oratorical and forensic success. Other politicians and the *equites* wishing judicial power back would have read his praise of the *homines novi* including that of Marius.³⁴ It is in terms of *novitas* that Marius is presented as a personal exemplum of Cicero.

In conclusion, the orator L. Licinius Crassus and *homines novi* such as Cato and Marius are presented as personal exempla of Cicero in these early works. Cicero singles out a particular feature of these historical figures when presenting them as personal exempla, and even if he praises them more generally elsewhere, the attention to particular features in his exempla is important. These aspects will be treated in the following sections in order to discern any development in Cicero's presentation. It is noteworthy that the praise Cicero accords to these personal exempla and the other exempla in his early career are mostly in terms of

³¹ Cic. *Verr.* 2.3.209, 2.5.14, 2.5.25.

³² Cic. *Verr.* 2.5.181.

³³ Frazel (2004) 133–4. For details of composition, relation between delivered and undelivered speeches, and the timing of circulation, see Frazel (2004). Brunt (1980) 287 argues against immediate circulation of the speeches after the trial.

³⁴ Brunt (1980) 287 argues that the publication of the *actio secunda* 'must have been designed solely to enhance Cicero's reputation as an orator'. May (1988) 40–2 with note 83 analyses Cicero's projection of a persona as a *homo novus* in the *actio secunda* of the *Verrine* speeches and takes Cicero's utterances as illustrative of his public persona. A. Vasaly (in her paper 'Cicero's *Verrines*: Speaking for the Res Publica' presented at the conference 'Sicilia, nutrix plebis Romanae: rhetoric, law, and taxation in Cicero's *Verrines*', 6–7 February 2004, London) argued that Cicero's *Verrines* was 'a piece of self-definition' and that through the circulation of the speeches Cicero aimed at 'creating a public space for himself'. See now Vasaly (2009). Frazel (2004) 141 argues rightly that 'Cicero used these *orationes* as self-promotion; they preserved and disseminated the *laus* that he had obtained.'

oratorical talent and legal expertise, thereby not directly related to any particular political outlook. Certainly, Crassus is termed *sapientissimus* but Cicero does not elaborate on Crassus' politics. Only in one passage does Cicero refer to the *homines novi* Cato, Q. Pompeius, Fimbria, Coelius/Caelius, and Marius (but not Antonius) as exemplary, also to himself, which is striking considering that this is the period in which Cicero is trying to build a political career for himself in spite of his *novitas*. Perhaps it was superfluous or even detrimental for a young *novus* to remind the electorate of his lack of ancestral backing early in his career. Only in higher offices could the *novus* afford to signal his *novitas* and show public pride in his achievement, as discussed above. In general, in these works, Cicero does not so much project an image of building on the political positions of his personal exempla but rather one of a young man grateful to his teachers. This image had to change as Cicero's position changed from an aspiring new man to a candidate for the consulship.

THE *HOMO NOVUS* CONSUL

Cicero was now a candidate for the consulship, which meant that he had to take even more care over his public appearance, his own statements, the choice of people he supported and the people who were seen to support him. The *Commentariolum Petitionis* provides telling insights into this balancing act.³⁵ After a focused and successful canvass, Cicero was elected consul for 63 BC at the head of the poll, a quite remarkable achievement for a *homo novus* (according to all definitions). Cicero's colleague was to be M. Antonius Hybrida, a son of the great orator whom Cicero had known in his youth. During his year as consul, Cicero had to deal with important issues such as land distribution, the legal issues surrounding the powers of the so-called *senatus consultum ultimum*, corruption of the elections, and the Catilinarian affair.³⁶ His handling of the latter issue in particular caused unpopularity and was ultimately to lead to his departure from Rome in 58 BC into voluntary exile.

³⁵ For a positive view of the representative value of the *Commentariolum Petitionis* see Morstein-Marx (1998) 284–5.

³⁶ For the *senatus consultum ultimum* see Lintott (1999b) 89–93. This term is used only once in the extant sources (Caes. *BC* 1.5), and regarded by some as imprecise or politically loaded. Indeed, various formulations were used to express the passing of full power to the leading magistrates in order to protect the *res publica* against internal threats (see, e.g., Cic. *Rab. perd.* 20; *Phil.* 5.34; *Sal. Cat.* 29). However, the term is used extensively by modern scholars and I shall therefore use this term to mean this kind of decree even if it was not called exactly *senatus consultum ultimum* at the time.

We have only fragmentary speeches, a few letters and no theoretical works from the period leading up to Cicero's consulship, but a large corpus of speeches survive from his year in office and the following years, although not a complete collection of all speeches delivered.³⁷ These speeches include more historical exempla than those of the previous period, and we also find clues to Cicero's personal exempla. His extant correspondence also becomes denser and more related to political questions, but, as discussed above, his letters contain far fewer historical exempla when compared to speeches and treatises, and likewise references to personal exempla are not frequent either. Of other works, we only know of a poem on Cicero's consulship, the *Consulatus Suus*, composed by himself probably in the years immediately after his consulship, given its laudatory tone. Cicero argued that he had saved the *res publica* against the Catilinarian conspirators, but he also knew of the increasing opposition against his actions, hence this combined defence and praise of himself.³⁸ Many of his post-consular speeches contain elements of self-defence as well, and indeed Cicero's thought of collecting his most notable consular speeches for circulation in 60 BC is probably to be understood in the same light.³⁹

Scipio Aemilianus had been a useful historical figure for Cicero in the *Verrine* speeches where he was presented as an exemplum for all Romans. In the fourth Catilinarian speech, Cicero refers to Scipio again. Cicero lists nearly all of Rome's greatest generals—Scipio Africanus, Scipio Aemilianus, Aemilius Paulus, Marius, and Pompey—and compares their victories over external

³⁷ The speeches are *In Toga Candida* (64 BC), *De lege agraria* 1–3 (63 BC), *Pro Rabirio perduellionis reo* (63 BC), *In Catilinam* 1–4 (63 BC), *Pro Murena* (63 BC), *Pro Sulla* (62 BC), *Pro Archia* (62 BC), *In Clodium et Curionem* (61 BC), *Pro Flacco* (59 BC).

³⁸ Courtney (1993) 156–73; Steel (2005) 29–30.

³⁹ Cicero sent Atticus a collection of 12 'consular speeches', including *Leg. agr.* 1–3, *Rab. perd.*, *Cat.* 1–4, explicitly following the exemplum of Demosthenes, which he expected Atticus to comment on (*Cic. Att.* 2.1.3). There has been some debate as to the interpretation of this letter and whether Cicero did indeed circulate these speeches only in 60 BC or earlier: McDermott (1972) argues that Cicero's consular speeches were published/circulated shortly after delivery and not in 60 BC. Stroh (1975) 51, n. 90; Phillips (1986); Cape (1995) 258–9 agree with McDermott, but Berry (in both (1996) 55, n. 258, and in (2006) 313 note to *Cic. Cat.* 4.1, 316–17 note to *Cic. Cat.* 4.18 and 4.21) does not. Steel (2005) 50–4 argues that Cicero might have circulated one version of his speeches in 62, but that he probably revised these in 60 due to his 'perception of his own circumstances and in particular a sense that he had become more vulnerable [54].' I agree with Berry and Steel that the letter to Atticus strongly suggests a revision of the speeches in 60 BC. In 60 BC, Cicero had to defend his execution of the Catilinarian conspirators, thus making the Catilinarian speeches as well as the *Pro Rabirio perduellionis reo* with its issue of the so-called *senatus consultum ultimum* highly relevant. I do not agree with Stroh (1975) 52–4 and Leeman (1982) 198 that Cicero's main purpose of publishing his speeches was pedagogical, although it did play a part as Cicero says himself. The political circumstances must have played a major role; indeed Gelzer (1969b) 118 maintains the purpose of circulation as a means to promote Cicero's reputation. On the publication of Cicero's speeches in general see Powell & Paterson (2004) 52–7.

enemies with his own future victory over the Catilinarians who are threatening the security of Rome. Cicero asserts that among the praises of these men there will be room for his own *gloria*.⁴⁰ Cicero clearly tries to present himself as taking these Roman heroes as exempla in order to portray his role in 63 BC as a great military triumph as well as a great consulship. In other words, these exempla are meant to legitimize Cicero's consular actions. Taken together these passages indicate that Cicero can employ Scipio as a personal exemplum—and for various lessons—when it suits his rhetorical and political strategy. As a general exemplum, Scipio could also be made to embody a variety of qualities besides his military prowess. In several speeches of 63 BC, Scipio is lauded as an outstanding orator possessing 'integrity' (*integritas*) and 'authority' (*auctoritas*), as a great legal mind, and good patron of the philosopher Panaetius.⁴¹

Scipio Aemilianus was, however, a shining example of the great Roman general. Cicero was playing on the fame of Scipio in his references, anticipating rightly that his audience would know of the great general and appreciate the appraisal. It is certainly the same anticipation which makes Cicero employ Scipio in an attempt to compliment Pompey. In a letter of 62 BC to Pompey, Cicero presents himself as a Laelius to Pompey's Scipio.⁴² Cicero's comparison of Pompey to the great Scipio was undoubtedly aimed at flattering Pompey, who was about to return to Rome from his great victories in the East. Cicero proposes to follow the exemplum of the close and successful alliance between the famous military man Scipio and his friend and political adviser, the wise Laelius, in forming a similar alliance with Pompey.

Notwithstanding Cicero's overconfident assumptions about his own power, his flattery was not completely out of tune with Pompey's own ideas, as can be learnt from a letter to Quintus from 56 BC. Here, Pompey himself made the comparison between Scipio and himself.⁴³ This again supports the notion that Cicero was not the only one using historical exempla, and furthermore, that Scipio's exemplum had also occurred as relevant to Pompey himself. The strong manipulative intention aside, this passage suggests that Cicero wanted to be regarded more as taking up the exemplum of Laelius than that of the military giant Scipio; at least this image was useful for Cicero in this particular situation.

This impression is supported by other references to Laelius from this period of Cicero's life. In the speech *Pro Murena*, Laelius is described as

⁴⁰ Cic. *Cat.* 4.21–3.

⁴¹ Cic. *Mur.* 58, 66, 75; *Arch.* 16, *Leg. agr.* 2.51.

⁴² Cic. *Fam.* 5.7.3. Cf. Lintott (2008) 153 for an assessment of Cicero's offer in the context of the contemporary political situation and Cicero's later philosophical works *De republica* and *De amicitia*.

⁴³ Cic. *Q Fr.* 2.3.3.

more affable, charming, dignified, and wise (*comior*, *iucundior*, *gravior*, and *sapientior*) than most in terms of his philosophical knowledge. His wisdom (*sapientia*) and moderation (*temperantia*) in public, private, forensic, and civil affairs are mentioned in the second speech *De lege agraria*, and he is praised for being of the greatest moderation and self-control (*moderatissimus* and *continentissimus*) with regards to the combination of inborn talents and good education in the speech *Pro Archia*.⁴⁴ The picture becomes even clearer in a couple of letters to Atticus in July 59 BC, in which Cicero suggests that he and Atticus adopt the code names Laelius and Fufius respectively.⁴⁵ L. Fufius Philus was one of Scipio's and Laelius' close friends, in other words, a suitable correspondent for Laelius.⁴⁶ The image of Laelius is one of a civilized and prudent politician and an intellectually imposing figure. Cicero's suggestion to take 'Laelius' as his code name supports the impression that Cicero regarded Laelius as a useful personal exemplum.

In both the *Pro Murena* and the *De lege agraria*, Cicero mentions Laelius' wisdom, *sapientia*, which clearly refers to Laelius' epithet *sapiens* ('wise'). The meaning of the epithet *sapiens* in Roman culture in general and Cicero's works in particular has been interpreted in different ways in modern scholarship. It seems that *sapiens* can denote various kinds of 'wisdom' and that the meaning may have changed over time. Panico finds two kinds of *sapientia* in Cicero's usage: on the one hand a practical wisdom in law, politics, and other pursuits representing a Roman tradition, on the other hand a philosophical wisdom representing a Greek tradition.⁴⁷ By contrast, Wheeler argues that in the third century BC, *sapiens* referred to military cleverness and cunning (with both positive and negative connotations depending on the viewpoint). This meaning changed sometime in the second century to a political kind of cleverness or cunning, while only in the first century BC did *sapiens* come to stand for wisdom in an intellectual and philosophical sense. All these meanings are found in the Greek equivalent *sophos*.⁴⁸ This suggests the difficulty in distinguishing a Roman tradition of practical wisdom from a Greek tradition of philosophical wisdom, for which Panico argued. In fact, Panico finds that the representation of Laelius and Cato Maior (the main figures denoted *sapiens* in Cicero) switches between these two kinds of *sapientia*. So it seems that the picture is less straightforward than one of dichotomy. The idea of a change in meaning over time could help to explain the various kinds of *sapientia*

⁴⁴ Cic. *Mur.* 66; *Leg. agr.* 2.64; *Arch.* 16.

⁴⁵ Cic. *Att.* 2.19.5, 2.20.5.

⁴⁶ Fufius was one of the interlocutors in the circle around Scipio and Laelius in the *De republica*.

⁴⁷ Panico (1980). See also Münzer *RE* Laelius 3, 406–7.

⁴⁸ Wheeler (1988), who does not refer to Panico's views.

represented in Cicero's works. On the other hand, Wheeler fails to take into account Rawson's study of Crassus' influence on Cicero and Cicero's subsequent description of Crassus as *sapientissimus*.⁴⁹ If Rawson is right that Cicero referred to Crassus' political wisdom, Wheeler's argument of a change in the meaning of *sapiens* from politically wise to philosophically wise needs further discussion of whether these different meanings could work alongside each other, how exactly one distinguishes between these meanings, and whether Cicero's usage reflects his own time or that of the historical figures he invokes.

A focus on Laelius, his background, and career provides some clues. Laelius' father was a *homo novus*, who became consul in 190 BC.⁵⁰ Laelius himself was thus the son of a consular, but it is unclear whether his father's *novitas* was a disadvantage for his son's political ambitions. A passing comment in the *Rhetorica ad Herennium* suggests that Laelius' father was a well-known *novus* but that may have been due to his close relationship with Scipio Africanus rather than his successful political career in spite of his *novitas*.⁵¹ Through his father, Laelius was connected to the family of the Scipios and he became the close friend of Scipio Aemilianus, as his father had been of Scipio Africanus. Laelius' military career seems to have been praiseworthy but not outstanding.⁵² Wheeler's thesis of *sapiens* as originally a military emblem is challenged here but he argues that Laelius' career marked the turn from military meaning of *sapientia* to a political meaning.⁵³

Laelius' political career is somewhat obscure, but one episode, probably from his consulship in 140 BC, is taken by many as the decisive mark of his political capabilities. Plutarch explains in his biography of Tiberius Gracchus how Laelius proposed a bill (of unknown content) but subsequently withdrew it again because of opposition from the powerful, that is, the senators; it was this action which earned him the epithet *sapiens*.⁵⁴ There is general agreement that the origin of Laelius' epithet was probably not this political action, but rather Laelius' philosophical interests, and that Plutarch based his story on either a speech of Tiberius Gracchus (who presented Laelius' proposal as a

⁴⁹ Rawson (1971).

⁵⁰ Astin (1967) 81; Badian (1990) 388 with reference to Cic. *Phil.* 11.17.

⁵¹ *Rhet. Her.* 4.19. Petrocchi (1959) 21 argues that since Scipio and Laelius became a famous pair, Laelius could not be thought of without Scipio, because of their military teamwork and their close friendship.

⁵² Münzer *RE* Laelius 3, 406 finds that Cicero's praise of Laelius' military qualities in Spain as praetor are exaggerated. Petrocchi (1959) 21 argues that Laelius' military achievements were on a less grand scale than those of his father. Laelius' father apparently wrote an account of Scipio Africanus' character: Polyb. 10.3.

⁵³ Wheeler (1988) 195.

⁵⁴ Plut. *Ti. Gracch.* 8.

precedent for his own agrarian bill), or on either a negative *popularis* or a positive optimate later invention. Either it was a betrayal by a weak politician and the epithet *sapiens* a mocking irony, or Laelius was a realistic politician with the courage to change his mind, hence *sapiens* as political wisdom.⁵⁵ In this way, even if this story is not strictly true, it might reflect how Laelius was viewed by his own time, and thus by the following generations. His action was, in any way, a clear signal of his political leanings. His subsequent political action as a member of the *consilium* dealing with Tiberius Gracchus' followers in 132 BC and his participation in the political fights against the *popularis* Carbo in the subsequent years follow up this optimate stance.

If the epithet *sapiens* does not denote Laelius' political capabilities, but rather his philosophical and intellectual competence (against Wheeler's argument), it points to Laelius' close interaction with Greek philosophers such as Diogenes and Panaetius, both with and without the companionship of Scipio Aemilianus.⁵⁶ Indeed, this element is strong in Cicero's references to Laelius' exemplum, but Cicero also hints at Laelius' political and forensic qualities. This suggests that several meanings of *sapiens* could be employed. Cicero may have idealized Laelius so as to strengthen his arguments in court or in the assembly and to make his own claim to political influence the stronger. If this is true, then Cicero's usage of the epithet *sapiens* might reflect the usage in Cicero's day rather than in Laelius', but we cannot know for certain. Laelius' background as the son of a *homo novus* is not taken up by Cicero, not even in his pursuit of the consulship. The degree to which Cicero adjusted the historical figure of Laelius to fit his own purposes is impossible to determine. What is important, however, is the portrait Cicero gives of Laelius as a personal exemplum of conservative leanings and intellectual abilities. We shall return to Laelius in the discussions of the *De republica* and the *De amicitia* below.

We have only a few letters and fragments of speeches from Cicero's canvass for the consulship. We cannot therefore know to what extent Cicero took the example of *homines novi* in his bid for power. However, during his consulship in 63 BC, Cicero again refers to Marius as an exemplum of a successful *homo novus* in his defence of Murena.⁵⁷ The purpose with Cicero's discussion of *nobilitas* and *novitas* in this speech was to make the jury more sympathetic to Murena's case and thus to secure the consul designate an acquittal. However,

⁵⁵ Münzer *RE* Laelius 3, 406–7; Petrocchi (1959) 43–9; Scullard (1960) 62; Astin (1967) 81, n. 1; Erskine (1989) 167–8; Derow *OCD*³ Laelius 2.

⁵⁶ Münzer *RE* Laelius 3; Astin (1967) 15–16, 81, 84, 296.

⁵⁷ Cic. *Mur.* 17. This passage is discussed in the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

Cicero's explicit inclusion of himself as the ultimate exemplum of a *homo novus* breaking down the barrier to consular office suggests that Cicero also wanted to promote himself and his political achievement as a *homo novus*. For this purpose, Marius was a good exemplum of a successful new man, whom Cicero could surpass.⁵⁸ In 63 BC, Cicero was at the pinnacle of political power and he could thus afford this self-praise. Furthermore, the partly equestrian jury might have been sympathetic to a *homo novus* paving the way to the consulship.

Cicero deemed the *populus* sensitive to his exploits as well. In his first *contio* speech as consul, Cicero presents himself as the first *homo novus* consul in a very long period (*primum hominem novum consulem*), without mentioning any exempla of past *homines novi* whom he followed in his pursuit of consular power.⁵⁹ Cicero projects an image of standing alone as an extraordinary new man. In this moment of excitement over complete consular power, Cicero decided that he did not need exempla of *novi* to support his claim; he had reached the pinnacle and duly thanks the people. This passage can be understood as an expression of pride, but such self-praise furthermore helped Cicero build up a persona of a virtuous and successful *homo novus*, also in front of the *populus*.

Besides the defence of Murena, Marius' person was impossible to avoid in Cicero's defence of Rabirius in 63 BC.⁶⁰ Marius had been consul in 100 BC when the tribune Saturninus had been murdered. Rabirius was now charged by the tribune Titus Labienus with this murder almost 40 years on. The prosecution rested on the illegality of the murder of Saturninus but Cicero argued that the tribune had been a *hostis* (an enemy of the state) and that the murder was therefore legal under the so-called *senatus consultum ultimum* which the Senate had issued to the consuls as a response to the upheavals caused by Saturninus and his followers.⁶¹ The prosecution can be understood as a challenge of senatorial power as opposed to the rights of the Roman people; the question was whether the Senate could authorize the killing of Roman citizens without trial.

As part of his defence strategy, Cicero praises Marius in his list of good citizens, argues that Marius should be entitled a 'true father of his country' (*verus pater patriae*), and that Marius' memory should be defended as he was a good citizen fighting 'with glory and virtue' (*cum laude ac virtute*) for his

⁵⁸ Cf. Cic. *Sull.* 23 where Marius is again used as an exemplum of a successful *homo novus*.

⁵⁹ Cic. *Leg. agr.* 2.3.

⁶⁰ The only other reference to Marius as a historical exemplum in this period is a very oblique one in Cicero's speech against Clodius and his patron C. Scribonius Curio: *In P. Clodium et Curionem*, fr. 20 in Crawford (1994) 233–69.

⁶¹ For the complex legal issues of this case see Tyrrell (1978) 35; Lintott (1999a) 168–9.

country in a time of upheaval.⁶² Indeed, Cicero argues that he would take Marius as his exemplum in a similar situation: 'What would I do if Titus Labienus, like L. Saturninus, had slaughtered citizens, broken out of prison, seized the Capitol with weapons? I would do as Gaius Marius did.' ([*Quid fac*]erem, si *T. Labie[nus] c[aedem civium [fecis]set ut L. Satur[ninus], si carcerem re[fregi]sset, si Capitoli[um cum armatis occupa]visset? Facerem [idem qu]od C. Marius fe[ci]t, . . .*)⁶³ Cicero clearly regards Marius as having fought the morally and legally just cause in this situation, and he sets him up as an exemplum of a good statesman, even a personal exemplum for Cicero himself. This praise of Marius is quite remarkable in light of Cicero's other references to Marius, which we shall see, but the political context offers a possible explanation.

Marius' consular actions in 100 BC could be seen not only as patriotic and good, but also as an exemplum for Cicero's own consular dealings and general support of senatorial power against tribunician influence in 63 BC. When Cicero returned to this speech in 60 BC, including it in the number of speeches sent to Atticus for comment, he had a chance to rethink and revise the speech. In particular, he may have further underlined the virtue and necessity of Marius' action as an exemplum to his own execution of the Catilinarian conspirators late in 63 BC, which he argued was supported by a *senatus consultum* similar to that issued in 100 BC. The growing criticism of his handling of the Catilinarians would have put him under pressure to defend his action, and the circulation of the speech in defence of Rabirius provided him with a good context in which to do so.⁶⁴ Therefore, Marius is not just a protagonist in the gallery of men implicit in the actions of 100 BC, he is singled out as a just and good consul whom Cicero promises to imitate in a similar situation.

Another political implication worth considering is whether it would have been possible to mention Marius in the 60s BC without triggering associations of Marius' *popularis* image. Cicero's careful use of Marius' exemplum in his speeches after his return from exile in 57 BC suggests that Marius was remembered as a champion of the people.⁶⁵ Stronger indication comes from the popular reaction to Caesar's reintroduction of Marius into public life 17 years

⁶² Cic. *Rab. perd.* 21, 27, 29, 30. Stinger (1993) 115–18 also notes Cicero's use of Marius without discussing Marius' exemplarity for Cicero himself.

⁶³ Cic. *Rab. perd.* 35. This passage is a fragment, supplemented by Niebuhr, but it is accepted in the modern editions of Oxford Classical Texts, Teubner, and Budé.

⁶⁴ Cic. *Att.* 2.1.3. Tyrrell (1978) 52: 'revision is possible in the interpretation of . . . Cicero's claim that in similar circumstances he would act as energetically and resolutely as Marius and the others.' There is discussion as to whether Cicero in 60 BC planned a circulation of these revised consular speeches, but I find the arguments for a revision in connection with a planned circulation the more convincing. See page 184, n. 39.

⁶⁵ See the discussion of Marius in the section 'Exile and triumphant recall' in this chapter.

after Sulla's attempt to erase Marius from the public memory. In 69 BC, Caesar used the funeral of his aunt Julia (Marius' widow) to parade Marius' *imago* in the funeral procession, an act greeted with cheers from the crowd. By this act, Caesar implicitly claimed Marius as among his ancestors and thus a possible family exemplum.⁶⁶ Caesar's action should probably be read as an attempt to gain popularity among the *populus* as the person who rehabilitated the old *popularis* politician and furthermore, through the implicitly claimed family link, Caesar hinted that he shared family traditions and political aims with Marius.⁶⁷ Caesar advertised this familial and political link again when aedile in 65 BC. Velleius, Suetonius, and Plutarch describe how Caesar had Marius' victory trophies from the wars against Jugurtha, the Cimbri, and the Teutones put up on the Capitol overnight. The people welcomed this warmly and praised Caesar, but the more conservative senators were worried about Caesar's tactics and success in currying the favour of the people.⁶⁸ The *popularis* theme is underlined by all three sources: Caesar's use of Marius forms part of their description of Caesar's opposition to Sulla himself and Sulla's reforms resulting in a string of popular political measures such as his prosecutions of those who had earned bounties by killing those proscribed under Sulla and his attempt to restore the citizen rights of the children of the proscribed.

Caesar clearly exploited the family connection to Marius to build himself a political platform as a *popularis* politician. This must have made it difficult for Cicero to avoid generating associations with the *popularis* aspect of Marius when he used the example of the old general. Might there even have been a competition between Cicero and Caesar, and perhaps others, for the right interpretation and memory of Marius? Cicero himself could refer to a relationship between the Tullii Cicerones and the Marii, even if the families were divided on political matters, in answer to Caesar's connection with Marius.⁶⁹ However, Cicero mostly avoided the *popularis* aspect of Marius' memory and instead referred to Marius' *novitas* and, later, his exile, as we have seen and shall see.⁷⁰ Where a possible competition with Caesar over Marius' memory might be seen is in Cicero's use of Marius in his defence of Rabirius in 63 BC,

⁶⁶ Suet. *Iul.* 6.1; Plut. *Caes.* 5.1.

⁶⁷ Cf. Flaig (2004) 93–4.

⁶⁸ Vel. Pat. 2.43.4; Suet. *Iul.* 11; Plut. *Caes.* 5.1–4. Flower (2006) 93 argues that Marius' trophies had been dedicated as religious offerings and therefore seem to have been ritually buried rather than destroyed. In Caesar's reintroduction of these trophies to the public, Flower is not explicit whether Caesar then had the trophies dug up or whether he had copies made, but both Suetonius and Plutarch explicitly state that Caesar had these trophies made. For more discussion see Flower (2006) 104–6.

⁶⁹ Rawson (1971) 76–9.

⁷⁰ In the sections 'An aspiring new man' and 'Exile and triumphant recall' in this chapter.

where Cicero had called Marius a great consul in his decisive action against the rebellious tribune Saturninus. Caesar had brought forward this political case through the tribune Labienus to challenge the senatorial power and that in a year marked by much *popularis* activity such as the Rullan agrarian bill, the tribune's attempt to restore the *ius honorum* (citizen rights) to the sons of the proscribed, and the popular election of *pontifices* restored.⁷¹

Marius' involvement in the actions of 100 BC made his name almost impossible to avoid in the legal proceedings. Whether Caesar referred to Marius in his pronouncement of the verdict in his capacity as *duumvir* (one of the two judges) is uncertain. Cicero, by contrast, kept referring to Marius as 'a true father of his country' (*verus pater patriae*) and decisive consul as part of his rhetorical strategy to have Rabirius acquitted. But perhaps Cicero's strong emphasis on Marius' lack of support for the *popularis* Saturninus can be read also as an attempt to claim at least part of Marius' legacy from Caesar's domination of Marius' memory as a *popularis* politician only. Given Cicero's many and varied references to Marius, some of which remains to be discussed, he must have thought these persuasive to his audience in spite of his avoidance of the *popularis* side of Marius.

The historical figures of Crassus, Antonius, the Scaevolae, and Scaurus appear less prominently in this period than during Cicero's youth and early career. Scaurus is mentioned as an exemplary politician because he revived the senatorial status of his family by his election to the consulship for 115 BC. By this achievement, he could almost be seen as a *homo novus*, in spite of his descent from *nobiles*. We shall return to this interesting passage in the discussion of Cicero's use of Scaurus in the period after his return from exile.⁷² In his defence speech of Rabirius in 63 BC, Cicero labels Crassus, Antonius, the Scaevolae, and Scaurus men of 'the highest judgement and ability' (*maxima consilia atque ingenia*). Scaurus is moreover singled out for his 'dignity', 'judgement', and 'prudence' (*gravitas, consilium, and prudentia*).⁷³ Scaevola Augur and Scaurus are furthermore praised for their strong will to fight for the *res publica* against a rebellious tribune in spite of their old age and ill health.⁷⁴ The references to these figures were all the more relevant

⁷¹ Rullan agrarian bill (Cic. *Leg. agr.* 1–3), the tribune's attempt to restore the *ius honorum* to the sons of the proscribed (Cic. *Leg. agr.* 2.10; *Att.* 2.1.3; *Pis.* 4; *Vel. Pat.* 2.43.4; *Plut. Cic.* 12.2; *Dio* 37.25.3, 44.47.4; *Quint. Inst.* 11.1.85 with Crawford (1994) 201–7), and popular election of the *pontifices* restored (*Dio* 37.37.1).

⁷² Cic. *Mur.* 16. See discussion in the section on Scaurus in 'Exile and triumphant recall' in this chapter.

⁷³ Cic. *Rab. perd.* 26.

⁷⁴ Cic. *Rab. perd.* 21, 26. Cf. *Verr.* 2.3.209 where Scaurus is mentioned as a possible historical exemplum. For a discussion of the meaning of the epithet *clarissimus* given to the individuals mentioned in *Rab. perd.* 21 (and elsewhere in Cicero's works) see Whitehead (2005), especially pages 172–6.

for the case in question as they had all been active participants in political life at the time of Saturninus' murder. However, Cicero does not simply refer to them as active participants in the period, but indeed as exemplary statesmen acting in the best interest of the *res publica*. Cicero would clearly like to be regarded as among such men, and these references could be taken as Cicero's attempt to let some of the authority of these statesmen rub off on himself. The same considerations as to representation and timing discussed under Marius can be applied here: Cicero delivered the speech before the Catilinarian affair unfolded, when his legal authority as consul would be seriously tested. However, his inclusion of this speech among his 'consular speeches', sent to Atticus for comment (and presumably subsequent circulation) in 60 BC, when Cicero's political position was further threatened, lends support to the idea that Cicero also in this speech tried to strengthen his claim to legality with the aid of historical exemplary figures.

In conclusion, it is very difficult to discern any personal exempla of Cicero in the period leading up to his consulship due to the low number of sources. However, in his consular year and later, Cicero refers often to Scipio and Laelius as good men of exemplary merit. Indeed, Cicero tries to represent himself as a new Laelius to both Pompey and Atticus, thereby indicating that he would like himself to be associated with this wise politician of the past. Scipio is also presented as a personal exemplum in terms of his statesmanlike actions. The speech in defence of Rabirius from 63 BC presents crucial insights into Cicero's attempts to build up his political persona, in both 63 BC and 60 BC, as a decisive and just consul acting against revolutionary citizens in the loyal service of the state. For that image, as well as for his implication in the events of 100 BC, Marius was an obvious historical exemplum. However, the explicit representation of Marius as a personal exemplum of Cicero is still remarkable. Hitherto, Cicero had referred only to Marius' *novitas* as an inspiring aspect to be taken as a personal exemplum by himself and other *homines novi*, and he re-emphasizes Marius' exemplarity in this respect in the *Pro Murena*. However, in the *Pro Rabirio perduellionis reo*, Cicero refers not only to Marius' *novitas*, but sets up Marius' direct political actions as exemplary and inspirational. These actions were not representative of Marius' famous *popularis* stance, but rather the opposite. Marius' conservative reaction against Saturninus was not only more relevant to Cicero's fight against Catiline in 63 (and Cicero's defence thereof in 60 BC) but also to Cicero's general attempt to set himself up as an upholder of the traditional values of the Senate and the *res publica*.

In his consular speeches, especially in the *De lege agraria* 2 and the *Pro Murena*, Cicero boasts of his election in spite of his *novitas* and sets himself up as a unique *homo novus* or places himself within the catalogue of successful and exemplary *homines novi*. With the confidence of consular *dignitas*, Cicero

could afford to emphasize his humble background, making his achievement even greater.⁷⁵ This emphasis is remarkable when compared to the much fewer references to *novitas* in extant works from Cicero's earlier career and supports the suggestion that references to follow past *homines novi* had more force once political magistracies had been secured. He claims that his election was not only against all odds, that is, the envy and enmity of the *nobiles*, but even a sign of his superior moral standing demonstrated by his virtue and energy (*virtus* and *industria*). For this purpose, the exempla of Marius and other *homines novi* (again excluding Antonius) were useful to underline Cicero's place in the tradition of successful new men and to emphasize his extraordinary triumph of election in the first possible year. Despite this important message, Cicero does not abandon non-*novi* exempla such as Scipio, Crassus, and the Scaevolae. Indeed, Cicero's combination of both *novi* and *nobiles* as models of conduct is an indication of his skill in choosing among various exempla and employing them for a variety of messages.

EXILE AND TRIUMPHANT RECALL

Cicero's execution of the Catilinarian conspirators caused him great unpopularity. The tribune Clodius (58 bc) exploited this unpopularity in his attempt to seek revenge for Cicero's testimony against him in the *Bona Dea* trial, and to set himself up as a champion of the *plebs* against Cicero and the *boni*. With the backing of new laws and the support of the three most influential politicians of the day—Caesar, Pompey, and Crassus—Clodius managed to drive Cicero from Rome in the spring of 58 bc. Cicero went to Greece, depressed over his absence from Rome and the political life there. Through the mediation of Pompey, P. Servilius Vatia Isauricus, P. Lentulus Spinther, P. Sestius, and others, Cicero was recalled in the summer of 57 bc and his triumphant return to Italy and Rome gave him great confidence in his future political role.⁷⁶ However, after less than a year of independent activity, he was made to

⁷⁵ See May (1988) 49–51 for a brief summary of Cicero's projected public persona during his consulship and the importance of consular *dignitas* for this projection.

⁷⁶ Cicero's time away from Rome in 58–57 bc is normally termed 'exile' by modern scholars. However, Claassen (1999) 160, 261–2 n. 49, 264 n. 95 points out that it was strictly a case of *relegatio* (specifying a particular distance from Rome) with retention of property. Kelly (2006) 225–37, on the other hand, argues that the clause barring Cicero 400 miles from Italy was an amendment to the first of the two laws Clodius passed against Cicero, and Kelly does not use the term *relegatio* in connection with Cicero's exile. I shall, therefore, use the common term 'exile'. For a recent account of Cicero's exile and recall see Kelly (2006) 110–25.

conform with the wishes of Caesar, Pompey, and Crassus, which meant that he had to speak their case in the Senate and defend their followers in court, despite his previously expressed views in contrast and his disagreements with these followers. To compensate for his lack of political independence, Cicero started to write rhetorical and political treatises. This situation continued until Cicero was forced to take the proconsular province of Cilicia in 51 BC.

The sources for this period consist of a large number of speeches and letters to Atticus, Quintus, and political contacts.⁷⁷ The speeches in particular contain many references to historical exempla and to personal exempla too, and these discussions of exempla are often very detailed and form a central part of Cicero's argument.⁷⁸ In this period, Cicero also wrote a poem, the *De temporibus suis*, about his exile and return, but this is not extant.⁷⁹ He furthermore composed a laudatory poem on Marius of which we have fragments, but the dating is disputed. I shall consider this poem under the discussion of Marius as a possible personal exemplum of Cicero. His rhetorical work *De oratore* and the political treatises *De republica* and *De legibus* contain references to a different set of personal exempla from those in the letters and speeches in this period. For the sake of clarity, these theoretical works will be considered separately in the following section ('The orator-statesman outside politics'). However, brief appearances in the treatises of exempla otherwise dominating the speeches will be discussed under the relevant exemplum, necessitating a small overlap between the two sets of evidence.

Metellus Numidicus and Popilius Laenas

Cicero's references to Q. Caecilius Metellus Numidicus in the speeches following his return from exile lend weight to the idea that Cicero wanted to present Metellus as a personal exemplum. Metellus was a leading senator (cos. 109, cens. 102 BC), who had been driven into exile in 100 BC as a result of

⁷⁷ The speeches are: *Post reditum in senatu* (57 BC), *Post reditum ad populum* (57 BC), *De domo sua* (57 BC), *Pro Sestio* (56 BC), *In Vatinius* (56 BC), *De haruspicum responsis* (56 BC), *Pro Caelio* (56 BC), *De provinciis consularibus* (56 BC), *Pro Balbo* (56 BC), *In Pisonem* (55 BC), *Pro Plancio* (54 BC), *Pro Scauro* (54 BC), *Pro Rabirio Postumo* (54–53 BC, but Lintott (2008) 246 argues for latter half of 53 BC), *Pro Milone* (52 BC).

⁷⁸ For a detailed study of Cicero's references to Clodius in his speeches after his return from exile, see Steel (2007). Her analysis illustrates the rhetorical power of mentioning (or not) proper names in speeches, which in turn can be applied to emphasize the rhetorical force in Cicero's explicit identification of his personal exempla.

⁷⁹ See Harrison (1990) on the text; Kelly (2006) 157–60 and Kurczyk (2006) 67–74 for the significance of this poem for Cicero's efforts to rebuild his public persona after his return from exile.

his opposition to the agrarian bill of the tribune Saturninus. Metellus went to Rhodes and was recalled the following year on the proposition of the tribune Q. Calpidius.⁸⁰ Kelly argues the existence of two traditions concerning Metellus' exile and recall, a positive optimate tradition, perhaps stemming from Metellus himself, and a negative *popularis* tradition. The optimate tradition contained three central features, which Cicero used: (1) Metellus left Rome not to save his own life but to save the state from civil war; (2) Metellus endured his exile without complaint or wish for a recall; (3) Metellus was praised for his steadfastness during his exile which was seen as his greatest triumph.⁸¹ This seems to imply that the negative tradition was created by the contemporary opponents of Metellus, the *populares*, and it would also imply that Cicero is reviving an already existing positive tradition for his own purposes. In his first speeches after his return in early September 57 BC, the *Post reditum in senatu* and *Post reditum ad populum*, Cicero presents the lauded Metellus as his fellow in peril and he compares his own exile and recall with that of Metellus. Cicero addresses the Senate first:

For me there were no adult sons, no crowd of relatives to plead my case in front of the Roman people, as there was for the very *nobilis* P. Popilius; no son distinguished in spite of his youth, no consulars L. and Q. Metellus, nor their children, no Q. Metellus Nepos who was at that time canvassing for the consulship, no Luculli, Servilii, Scipiones who were sons of Metellae, pleading my case with the Roman people in tears and in mourning dress, as there was for the great and famous Q. Metellus; but I had a single brother, who through his piety proved a son, through his advice a father, and through his affection a brother, as he truly was . . . (38) . . . Never did the Senate pass a decree concerning P. Popilius, never in this Senate was a word mentioned concerning Q. Metellus . . . For indeed C. Marius, the third consular in living memory before me to be expelled during civil disturbances, not only was he not restored by the Senate, but he almost destroyed the whole Senate by his return. In their cases there was no consensus among the magistrates, no call to the Roman people to defend the state, no rising of Italy, no decrees of *municipia* and colonies.⁸²

⁸⁰ For details into the political issues behind Metellus' exile see Gruen (1965) and Gruen (1968) 181–3; for Metellus' exile and recall see Kelly (2006) 84–8, 178–9.

⁸¹ Kelly (2006) 143–5. For Cicero's use of Metellus' exemplum in the speeches after his recall see Kelly (2006) 153–5, for his use of Popilius, Metellus, and Marius see Nicholson (1992) 32–4, 102–4 and my analysis in the following.

⁸² Cic. *Red. Sen.* 37–8: *Pro me non ut pro P. Popilio, nobilissimo homine, adulescentes filii, non propinquorum multitudo populum Romanum est deprecata, non ut pro Q. Metello, summo et clarissimo viro, spectata iam adulescentia filius, non L. et C. Metelli, consulares, non eorum liberi, non Q. Metellus Nepos, qui tum consulatum petebat, non Luculli, Servilii, Scipiones, Metellarum filii flentes ac sordidati populo Romano supplicaverunt; sed unus frater, qui in me pietate filius, consilii parens, amore, ut erat, frater inventus est. . . (38) . . . Nihil umquam senatus de P. Popilio decrevit, numquam in hoc ordine de Q. Metello mentio facta est: tribuniciis sunt illi rogationibus interfectis inimicis denique restituti, cum alter eorum senatui paruisset, alter vim caedemque*

P. Popilius Laenas, when consul in 132 BC, had punished supporters of Ti. Gracchus. As a result, in 123 BC he was forced into exile by C. Gracchus' law, the *lex Sempronia de capite civium*. He was recalled by the tribune L. Calpurnius Bestia in 120 BC after the death of C. Gracchus.⁸³ The similarities between the cases of Popilius, Metellus, and Cicero were that they as consulars had all been driven into exile by a tribune, unjustly in Cicero's view, and that they were recalled. A further similarity between Popilius and Cicero was that they had both been forced into exile because of their controversial punishment of Roman citizens retrospectively challenged by a tribune (C. Gracchus and P. Clodius respectively), although Cicero does not mention this similarity. Marius is described as the third instance of a consular exile, but Cicero emphasizes the differences between the case of Marius from those of Popilius and Metellus on the one hand and that of Cicero himself on the other hand. Given these differences and the other types of references to Marius in this period, Cicero's use of Marius will be discussed separately in the following section.

We have already seen Popilius and Metellus paired in the speech *Pro Cluentio* of 66 BC, discussed above.⁸⁴ This pairing is repeated and elaborated upon in the *post reditum* speeches and in the *De domo sua* delivered later in September 57 BC.⁸⁵ It seems from the *Pro Cluentio* passage that before his own exile Cicero already had these two historical figures listed as examples of consulars unjustly exiled in his catalogue of historical exempla, probably drawing on an already established tradition, but that he only developed these exempla when they became relevant for his own position. Where Cicero in the *Pro Cluentio* had mentioned the fact that both men had experienced problems with violent tribunes, he goes much further in his description in the *post reditum* speeches; the tribunician opposition and violence made both men go into exile and they were both recalled shortly afterwards due to the great support from influential friends and family members. The pairing of Popilius and Metellus was taken up again in Cicero's philosophical treatises *De republica* and *De legibus*, written in the late 50s BC, which supports the idea

fugisset. Nam C. quidem Marius, qui hac hominum memoria tertius ante me consularis tempestate civili expulsus est, non modo a senatu non est restitutus, sed reditu suo senatum cunctum paene delevit. Nulla de illis magistratuum consensio, nulla ad rem publicam defendendam populi Romani convocatio, nullus Italiae motus, nulla decreta municipiorum et coloniarum exstiterunt.

⁸³ P. Popilius Laenas (*RE* 28), Cic. *Balb.* 28; *Brut.* 95, 128; Schol. Bob. in *Or. de aere al.* Mil. (Stangl 174); as well as the passages discussed in the main text. *ORF*⁴ C. Sempronius Gracchus fr. 32–7. For discussion see Gruen (1968) 80–4; Stockton (1979) 90–1, 117–21; Lintott (1999a) 162–4; Kelly (2006) 71–6. For discussion of where Popilius went, see Kelly (2006) 168; it was probably somewhere outside Italy if we can believe Plut. *C. Gracch.* 4.2.

⁸⁴ See the section 'An aspiring new man' in this chapter.

⁸⁵ Cic. *Red. pop.* 6–7, 9–11; *Dom.* 82, 87.

that they formed a standard pair of unjustly exiled consulars.⁸⁶ Interestingly, the pairing is not followed up immediately after the *post reditum* speeches: when Cicero discusses Metellus' exemplary exile and recall in the speeches *Pro Sestio* (56 BC), *In Pisonem* (55 BC), and *Pro Plancio* (54 BC), and in his letter to Lentulus Spinther explaining his own capitulation to the dynasts (*Fam.* 1.9 from 54 BC), Popilius is not mentioned at all.

We can already in the *post reditum* speeches detect a preference for Metellus. In the *Post reditum in senatu*, the cases of Popilius and Metellus are presented as very similar, but Cicero provides more detail in the case of Metellus and supplies a separate section on Metellus, leaving the impression that Metellus was a more important exemplum than Popilius.⁸⁷ Indeed, Cicero presents Metellus' case as of more direct relevance to his own case, as Metellus' relative Metellus Nepos (cos. 57 BC) apparently was convinced to give up his resistance to Cicero's recall by a reminder of Metellus' case, as we have seen in the discussion of family exempla in Chapter 6.⁸⁸ Therefore, Metellus' case was not just relevant as an exemplum to Cicero of a recalled consular exile, but also as an exemplum to Metellus Nepos of the duty to work for the recall of a deserving and unfairly exiled consular, an action which would honour his relative's memory.

There is evidence that Cicero revised his presentation of his exile and recall after his initial speeches in September 57 BC. Dyck has traced the theme of *devotio* (the Roman general sacrificing his own life in order to save the community) in the *Post reditum ad populum* and *De domo sua*, but Cicero discontinues this theme in later speeches, which suggests that possible comments and criticisms of others might have made Cicero alter his presentation.⁸⁹ This could also help to explain why Popilius disappears in the speeches after *De domo sua*. Yet this does not answer the question of why Cicero decided to focus on Metellus rather than Popilius. As mentioned above, Popilius' case seems to have been closer to Cicero's in circumstances, but Cicero avoids pointing out this fact. The political context offers an explanation. While hardly any Popilii are attested to have held political, military, or religious office in the period 70–50 BC, save for a Popilia as vestal virgin in 69 BC and a C. Popilius as tribune of the plebs in 68 BC, the Caecilii Metelli dominate the magistracies, with five consuls, three praetors, four provincial

⁸⁶ Cic. *Rep.* 1.6; *Leg.* 3.26. In the *De republica* passage, Popilius and Metellus form part of a longer list of Roman exiles such as Camillus, Ahala, Nasica, Popilius (called Laenas only), Opimius, Metellus, Marius, ending with Cicero, whereas the *De legibus* passage is limited to Popilius, Metellus, and Cicero.

⁸⁷ Cic. *Red. Sen.* 25.

⁸⁸ Cic. *Red. Sen.* 25, repeated in *Sest.* 130.

⁸⁹ Dyck (2004a).

governors, three priests, and one interrex.⁹⁰ This dominance, combined with Metellus Nepos' direct involvement in the activities to recall Cicero in 57 BC, made the case of Metellus Numidicus considerably more relevant and thus rhetorically more effective than that of Popilius.

A further clue is provided by the fact that the speeches in which Popilius is mentioned (*Post reditum* speeches and *De domo sua*) are political speeches, whereas the following speeches omitting Popilius are all forensic speeches. Might Cicero, when delivering forensic speeches in the public courts, have avoided references to the man who was known to have punished Gracchan supporters harshly and to have been exiled by C. Gracchus as a result, but included Popilius' name when addressing the Senate because Popilius triggered more positive connotations among the senators?⁹¹ Admittedly, Popilius is used in the *Post reditum ad populum*, but the similarity in language suggests that Cicero was merely recycling material from the *Post reditum in senatu*.⁹² Metellus' opposition to Saturninus had not involved direct punishment of the tribune and his supporters, so he was perhaps a safer exemplum. An alternative, yet combinable, possibility is that Cicero decided that one strong exemplum, that of Metellus, was more convincing than several exempla which could confuse the audience and thus result in a less convincing speech.

Shortly after the *Post reditum in senatu*, Cicero turned to the people, comparing in strikingly similar phrases the exiles and returns of Popilius, Metellus, and Marius with his own.⁹³ In these two speeches, Cicero employs exemplarity as a

⁹⁰ MRR II: Q. Caecilius Metellus Pius (RE 98) (pont. ca. 97–63 BC, pont. max. 81–63 BC); L. Caecilius Metellus (RE 74) (pr. 71 BC, propraetor Sicily 70, cos. 68 BC); Q. Caecilius Metellus Creticus (RE 87) (cos. 69 BC, proconsul Crete 68–66 BC, triumph 62 BC, ambassador 60 BC, pont. 57 BC); Q. Caecilius Metellus Celer (RE 86) (possibly trib. pl. 68 BC, possibly aed. pl. 67 BC, legate to Pompey 66 BC, pr. 63 BC, aug. 63 BC, proconsul Cisalpine Gaul 62 BC, cos. 60 BC, aug. until 59 BC); Q. Caecilius Metellus Nepos (RE 96) (legate to Pompey 67–63 BC, trib. pl. 62 BC, pr. 60 BC, cos. 57, proconsul Hispania Citerior 55 BC); Q. Caecilius Metellus Pius Scipio (RE 99) (pont. 63 BC, trib. pl. 59 BC, cur. aed. 57 BC, interrex 53 BC, cos. 52 BC for one month); L. Caecilius Metellus (RE 75) (quaestor Sicily 52 BC).

⁹¹ Thomas (1919) 70–1 argues that Cicero's use of Popilius (and Opimius), who were very different from Cicero in their bloody methods in getting rid of the troublesome tribunes and their supporters, can only be explained as an attempt at self-defence.

⁹² If we accept Lintott's ((2008) 8–14) view that the *Post reditum ad populum* was never delivered, this possibility could be connected to the inclusion of Popilius. See the following footnote for discussion of delivery of this speech.

⁹³ Cic. *Red. pop.* 6–7; the argument is followed up in §§ 9–11 and in *Dom.* 82, 87; paralleled in Cic. *Red. Sen.* 37–8 quoted above. Nicholson (1992) 125–7 discusses the possible delivery of the *Post reditum ad populum* and suggests that it could have been delivered on 4 September 57 (thus before the parallel *Post reditum in senatu*), on 5 September after *Red. Sen.*, or perhaps never. He argues against delivery date of 7 September, but Kaster (2006) 401–2 still argues for this possibility. Lintott (2008) 8–14 thinks that it was never delivered. Whether delivered or not, and irrespective of a precise date, I agree with Lintott that the speech has not lost its historical context and should be read as a parallel to the delivered *Post reditum in senatu*.

retorical device in a number of ways. First, Cicero compares himself with these previous consulars unjustly exiled and recalled. However, through these comparisons, he makes clear that his own recall was of an extraordinary kind; in fact, no exemplum can be found which fits Cicero's case perfectly.⁹⁴ Through his extraordinary recall, Cicero himself is represented as extraordinary. Second, Cicero's argument concerning the lack of famous and powerful family members to stand up for him points to his status as a *homo novus*, emphasizing that he was recalled on the basis of his merits, recognized by the Senate, magistrates, people, *municipia*, and colonies, rather than through the activities of influential relatives—making himself exemplary. Lastly, Cicero presents Popilius, Metellus, and Marius as exempla comparable to his own situation, setting them up as contrasting exempla in that his own recall was the more glorious.⁹⁵

In these speeches after his return, Cicero's main message is that his exile had been unjust and that he is thankful to the Senate and the people for seeing this and securing his recall. As his exile was connected to opinions about his execution of the Catilinarian conspirators, these speeches also serve as part defences of his consular actions, part triumphant confirmations that his actions were right and supported by everybody. The same can be said about Cicero's defence of P. Sestius, delivered in early 56 BC. In this speech, Cicero again refers to the exemplum of Metellus' exile and recall as a forerunner of his own, and he further maintains the legality of his actions of 63 BC. However, in his reference to Metellus, Cicero criticizes him for paying more attention to his own *gloria* than to the welfare of the *res publica*, whilst a little later praising him for renouncing his country rather than his principles.⁹⁶ Similarly, in his attack on L. Calpurnius Piso Caesoninus (cos. 58), the *In Pisonem* from 55 BC, Cicero defends his own position and contrasts it with that of Metellus because Metellus was facing an honourable opponent in C. Marius, whereas Cicero had to contend with the corrupt and evil Piso and Gabinius.⁹⁷ Finally, in his defence of Plancius in 54 BC and in his letter to Lentulus Spinther the same year (both discussed below), Cicero again refers to Metellus as an exemplary exile.⁹⁸ Metellus, but not Popilius, was evidently still important in Cicero's attempt to explain his own actions and thereby secure his own political position.

⁹⁴ This argument is even clearer in the following passage of the *Post reditum ad populum* (9–13), where Cicero enumerates all the differences between his recall and that of the historical exempla. See Kelly (2006) 154 for a similar argument.

⁹⁵ Nicholson (1992) 32–4 also reads Cicero in this way. Cicero does not refer to a speech which Metellus seems to have delivered after his return to Rome (Gell. NA 13.29.1 with Pina Polo (1996) 103).

⁹⁶ Cic. *Sest.* 37–39, 101. See also Harries (2006) 196.

⁹⁷ Cic. *Pis.* 20.

⁹⁸ Cic. *Planc.* 89; *Fam.* 1.9.16.

Cicero's references to Metellus' recall in his speeches delivered in the aftermath of his own recall mostly take the circumstances and support of Metellus as exemplary. Indeed, Metellus' thoughts on and motivations for going into exile are not touched upon (except for the brief remarks in the *Pro Sestio* on Metellus' *gloria*), even if Cicero himself would argue in the *De officiis* that the motivation behind an exemplary action was crucial for the right choice of exemplum.⁹⁹ However, in the *Pro Plancio* of 54 bc, Cicero deals more directly with Metellus' actions and the motivations behind them, prompted by the criticism of Plancius' prosecutor Laterensis. Cicero presents Metellus' action as a direct model for his own, because Metellus' voluntary exile and the events surrounding it gave him more repute than all his other merits, which is exactly the point Cicero wants to make about his own exile: first, Metellus went into exile in order to defend his own conduct, as did Cicero; second, Metellus refused to abandon his own convictions, as did Cicero. It was not a question of abandoning the welfare of the state, Cicero argues. In fact, it was a question of defending the *res publica* in that Metellus, by leaving the country, prevented the inevitable clash between the rebels and a patriotic citizen which could have destroyed the *res publica*. By going into exile, Metellus saved the *res publica*, and he therefore sacrificed his own public and private life in Rome for the state as such. Cicero thus utilizes the first of the three important elements of the optimate tradition of Metellus' exile.¹⁰⁰

This is precisely the same consideration which Cicero afterwards claimed had been his own motivation for going into exile.¹⁰¹ The similarity is undoubtedly emphasized and perhaps even exaggerated to a certain degree in Cicero's representation of Metellus' motivations for leaving Rome, but this emphasis and exaggeration of similarity are clear indications that Cicero wanted to present Metellus as a like-minded and fellow defender of the true *res publica*, and thereby to present Metellus as a personal exemplum for Cicero's motivations for going into exile. Yet, if Metellus' motives for leaving Rome were similar to those of Cicero, Cicero leaves no doubt as to the extraordinary recall he personally experienced, as we have seen him emphasize in both the *Post reditum in senatu* and the *Post reditum ad populum*, and which is repeated later in the *De domo sua*: 'I was absent together with the *res publica*, I returned with maximum dignity.' (*afui simul cum re publica, redii cum maxima dignitate*).¹⁰²

⁹⁹ Cic. *Off.* 1.115–21 and the discussion under 'The choice of historical exempla' in Chapter 6.

¹⁰⁰ Cic. *Planc.* 89. See Kelly (2006) 143 for the three central features: (1) Metellus left Rome not to save his own life but to save the state from civil war; (2) Metellus endured his exile without complaint or wish for a recall; (3) Metellus was praised for his steadfastness during his exile which was seen as his greatest triumph.

¹⁰¹ Argued also by May (1988) 95–9; Dyck (2004a).

¹⁰² Cic. *Red. Sen.* 37–8; *Red. pop.* 6; *Dom.* 87 (citation).

However, in letters immediately preceding and following Cicero's departure from Rome, Cicero does not explain his motivations for leaving as being similar to those of Metellus. Instead, he is very dispirited, talks of suicide and not at all of saving his country by going; he expresses a deep sense of betrayal by his political friends. There is no single reference to Metellus.¹⁰³ It is perhaps not surprising that references to the exemplum of Metellus cluster in speeches delivered immediately after Cicero's return from exile. Cicero was then in triumph and could boast, and, second, the similarity between Metellus and Cicero lies for a great part in their recall. This suggests that Cicero saw the possibility of presenting Metellus as a personal exemplum only in retrospect and not as an exemplum showing the way in the course of action. Of course, we have already seen a reference to Metellus' exile in the *Pro Cluentio* of 66 BC, but not as an exemplum for Cicero personally. Furthermore, in a letter to Atticus from 61 BC Cicero compares his own situation as witness in the *Bona Dea* trial with that of Metellus when accused of extortion in 107 BC, and Cicero decides that the gesture of the jury to himself was grander than that to Metellus.¹⁰⁴ Metellus was clearly an item in Cicero's storehouse of exempla, but was presented as a personal exemplum only after Cicero's return from exile. This again indicates that Cicero's references to Metellus' exemplarity was an expression of a conscious rhetorical and political strategy, supporting the initial premise of Cicero's personal exempla as being Cicero's choice of models of behaviour aimed at an audience to strengthen his public persona.¹⁰⁵

Cicero clearly felt the need to return to the reasons for his exile and to Metellus as an exemplum in 54 BC. Besides his detailed discussion of Metellus' motivations in the *Pro Plancio*, Cicero also refers to Metellus in a letter to his friend Lentulus Spinther from late 54 BC in which Cicero tries to explain his cooperation with the dynasts after his return from exile. The representation of Metellus' return from exile in comparison to that of Cicero is parallel to that in Cicero's speeches *Post reditum*. Metellus' return was honourable, but Cicero's even more so. Cicero is right in stating that he was not a humbled

¹⁰³ Cic. *Att.* 3.1–15; *Q Fr.* 1.3, 1.4.

¹⁰⁴ Cic. *Att.* 1.16.4; cf. Cic. *Balb.* 11 (56 BC); Val. Max. 2.10.1 where the same story is repeated. Balldon (1965) 195 comments on this passage and Cic. *Fam.* 1.9.16 that 'Metellus Numidicus was already one of his [Cicero's] heroes and now he had the satisfaction of depicting himself as a second and more illustrious Metellus . . .' See Gruen (1968) 132–3 for discussion of Metellus' trial.

¹⁰⁵ Kelly (2006) 153 argued with reference to Metellus that 'Cicero was thus able to depict his exile as a part of this ongoing struggle between the lawful *boni* and the chaotic *populares*' but also, with reference to Cic. *Fam.* 1.9.16 that 'His [Cicero's] identification with Numidicus was not merely for public propaganda value, but seems to have held personal significance (157).' It is, however, very difficult to separate Cicero's rhetoric from inner beliefs as his references to Metellus' exemplum were expressed in public and thus part of his ongoing attempt to build up and maintain a public persona.

man when he returned to Rome; in fact, he was only humbled in the spring of 56 BC when the dynasts had him shut up.¹⁰⁶ This letter to Lentulus is very polished in both content and style and it seems likely that Cicero intended others to read it. Indeed the elaborate use of historical exempla throughout the long letter suggests a close affinity with oratory; an affinity found also in other Ciceronian letters as discussed in Chapter 6. The highly rhetorical discussion of Metellus could have been taken out of any of Cicero's post-exile speeches.¹⁰⁷ This passage forms just a part of Cicero's complex self-defence, and it goes hand in hand with the similar passages in Cicero's speeches. The fact that the letter was written in 54 BC and not earlier suggests that Cicero still had to defend his actions and, furthermore, that he continued to find Metellus a suitable historical exemplum with which to be associated.

Cicero's initial presentation of Popilius and Metellus as personal exempla helped to promote his version of the events surrounding his exile and recall. After the first euphoria had evaporated, Cicero decided to leave out Popilius and focus on Metellus' exemplum which had more impact in the political context of several Metelli in influential positions. Cicero's inclusion of Popilius in his list of exiles in the theoretical works *De republica* and *De legibus* might be connected with the difference in context: a political treatise could be argued to include lesser known exempla, whereas forensic oratory and semi-public letters sought more immediate effect. Metellus was clearly the more important personal exemplum of the two, and Cicero's flexible use of Metellus shows that a personal exemplum can be presented as both a similar and a contrasting exemplum.

Marius

I have already tried to trace the references to C. Marius in Cicero's early career and as consul and consular, where Cicero exploits Marius' *novitas* and his robust consular action against Saturninus in 100 BC. In the period after his recall, Cicero continues to make references to Marius to support various points. In his discussion of Metellus as an exemplum of a consular exile being recalled, Cicero presents Marius as Metellus' political opponent. However, Marius is not portrayed in negative terms, as one might have expected; in fact, he is singled out as

¹⁰⁶ Cic. *Fam.* 1.9.16. Likewise in his discussion of the tribunate in the *De legibus* (*Leg.* 3.26), Cicero contrasts the reasons for Metellus' exile with those of his own.

¹⁰⁷ See the section 'Letters' under 'The importance of genre' in Chapter 6 for a discussion of the affinity between letters and speeches in terms of use of exempla and an analysis of the historical exempla employed in this particular letter to Lentulus. As seen a couple of footnotes above, Kelly (2006) 157 interprets Cicero's use of Metellus in this letter as a reflection of Cicero's more personal convictions. However, I understand the letter as aimed at a semi-public audience and thus that the use of Metellus forms part of Cicero's conscious persona-building.

an honourable opponent by contrast to the opponents Cicero himself had to face when he was recalled. Marius' actions as consul in 100 BC are again praised and he is termed 'the saviour of his fatherland' (*conservator patriae*) and as a man 'who struck fear in the enemy while giving hope and support to the fatherland' (*terror hostium, spes subsidiumque patriae*).¹⁰⁸ Likewise in the *Post reditum ad populum*, Marius is praised as 'protector of your state and empire' (*custos civitatis atque imperii vestri*).¹⁰⁹

In other passages from these speeches, Cicero discusses Marius' own exile and return to Rome. Marius was not an exile in the traditional sense and his return to Rome was achieved through violent means, but Cicero compares his own situation with that of Marius as if Marius were an exile.¹¹⁰ In strikingly similar passages in *Post reditum in senatu* and *Post reditum ad populum*, Cicero discusses the similarities and differences between Marius' return from exile and his own recall.¹¹¹ In the *Post Reditum ad populum* Cicero recalls Marius:

I saw Gaius Marius, a very brave man and a fellow townsman of mine—for by a strange fatality we both had to wage war with Fortune as well as with Rome's would-be destroyers—well, anyhow, I saw him in his extreme old age; not merely was his spirit in no way cowed by the magnitude of his misfortune, it was strengthened and renewed. (20) I heard him deny that he was an unhappy man when he had lost the country which he freed from siege, when he heard of the seizure and plundering of his property by his enemies . . . But between Marius and myself there is this difference: he took vengeance on his enemies by just the means wherein he was strongest, that is by arms; I shall use speech, as I have been wont to do. The former art finds its place in war and civil strife, the latter in peace and tranquillity. (21) To be sure, Marius in his angry mood cared for nothing but vengeance on his enemies; I shall think even of friends only so far as the Commonwealth will allow me.¹¹²

Cicero makes clear the connections between the background and fate of Marius and himself: they are both Arpinates, that is, *homines novi*, and they

¹⁰⁸ Cic. *Sest.* 37–8 (transl.: Kaster (2006)); *Pis.* 20.

¹⁰⁹ Cic. *Red. pop.* 9. Praise of Marius' consular actions: Cic. *Planc.* 88; *Mil.* 8, 83.

¹¹⁰ See also Kelly (2006) 142 n. 25, 152–3.

¹¹¹ Cic. *Red. Sen.* 38; *Red. pop.* 7–8.

¹¹² Cic. *Red. pop.* 19–21 (transl.: Shackleton Bailey (1991)): *Vidi ego fortissimum virum, municipem meum, C. Marium,—quoniam nobis quasi aliqua fatali necessitate non solum cum iis qui haec delere voluissent, sed etiam cum fortuna belligerandum fuit,—eum tamen vidi, cum esset summa senectute, non modo non infracto animo propter magnitudinem calamitatis, sed confirmato atque renovato. (20) Quem egomet dicere audivi tum se fuisse miserum cum careret patria quam obsidione liberavisset, cum sua bona possideri ab inimicis ac diripi audiret . . . Sed hoc inter me atque illum interest, quod ille, qua re plurimum potuit, ea ipsa re inimicos suos ultus est, armis, ego qua consuevi utar oratione, quoniam illi arti in bello ac seditione locus est, huic in pace atque otio. (21) Quamquam ille animo irato nihil nisi de inimicis ulciscendis agebat, ego de ipsis amicis tantum quantum mihi res publica permittet cogitabo.*

had to fight against people wanting to destroy them. However, Cicero makes clear through his emphasis on the contrasts between himself and Marius that he cannot take Marius as a personal exemplum. It is indeed the difference in means—military versus civil—and in motivations—vengeance versus patriotism—which contrasts Marius with Cicero. In this way, Cicero uses both action and motivations, the two crucial factors in the choice of exempla, to distance himself from Marius.

Around five months later (February–March 56 BC), in his defence speech for Publius Sestius, Cicero gives a similar description of the connections between himself and Marius, both in terms of circumstances and in motivations. Again, the connections between Cicero and Marius are clear: they are both *homines novi* and they experienced the same calamity of exile and succeeded in returning to Rome. But here Cicero spells out the differences in motivation even more than in the *Post reditum ad populum*: Marius kept himself alive in order not to die without the possibility for revenge, whereas Cicero only thought about preserving his own life in order to save his country. In fact, he stresses, he is now a living ‘example of loyalty to the state’ (*exemplum fidei publicae*), and if his example is maintained forever, the state will live forever. Cicero is an exemplum, but also a prerequisite for the survival of the *res publica*.¹¹³ Indeed, Cicero identifies himself directly with the *res publica* throughout the speeches delivered after his return to Rome.¹¹⁴

Cicero's presentation of Marius in the speeches after his recall varies considerably. In some passages, Marius is mentioned as Metellus Numidicus' opponent in the events of 100 BC, but not as an exile himself.¹¹⁵ In other passages, Marius' own exile is emphasized, often as part of a list of exiles including Popilius Laenas and Metellus Numidicus, although Cicero often distinguishes the circumstances of Marius' exile from those of the other exiles.¹¹⁶ This difference in circumstances helps to explain the fact that Cicero completely avoids Marius' exile in his discussion of the exiles of Popilius and Metellus in the *De domo sua*; Marius had returned to Rome by violent means and took a bloody revenge over his enemies in the Senate.¹¹⁷ Cicero must have decided that this was

¹¹³ Cic. *Sest.* 50. Cf. *Sest.* 38; *Mil.* 80–3. The difficult *ratum* of the manuscripts has been amended in various ways (Peterson's OCT has *interitum*, Maslowski's Teubner edition has *fatum*, and Cousin's Budé has *casum*), but all readings imply that Marius kept himself alive in order to seek revenge over his enemies and to destroy the *res publica*, thus a wholly negative interpretation of Marius' motives (Kaster (2006) 235). Cicero claimed elsewhere, that it was in order to protect the *res publica* that he went into exile in the first place: Cic. *Red. Sen.* 33–4; *Dom.* 95–6; *Sest.* 47–54. Cf. Dyck (2004a) who elaborates on Cicero's public motivations for going into exile.

¹¹⁴ Cic. *Red. Sen.* 4, 16, 17–18, 25, 34, 36; *Red. pop.* 14, 16–17; *Dom.* 17, 63, 73, 99, 137, 141, 146; *Har. resp.* 15, 17, 45; *Prov. Con.* 45; *Vat.* 8; *Pis.* 21, 25, 77; *Balb.* 58. See also May (1988) 93–9.

¹¹⁵ Cic. *Sest.* 37–9; *Pis.* 20; *Planc.* 88.

¹¹⁶ Cic. *Red. Sen.* 37–8; *Red. pop.* 6–7, 9–11, 19–21; *Sest.* 50; *Planc.* 26; *Rep.* 1.6.

¹¹⁷ Cic. *Dom.* 82, 87.

an unhelpful exemplum to bring forward in his appeal to the senatorial *pontifices* for the restoration of his house. A similar consideration of audience must underlie the difference in presentation of Marius in Cicero's parallel speeches to the Senate and the people, the *Post reditum in senatu* and *Post reditum ad populum*. It is a well-known fact that Cicero presents Marius' exile and return to Rome in a more positive light in the speech to the people, and that Marius' prominence in this speech is substituted by the less *popularis* consul of 57 BC, Lentulus, in the speech to the Senate.¹¹⁸ Cicero clearly played on the positive connotations of Marius' *popularis* sympathies when addressing the people, whilst downplaying the same sympathies in front of the Senate.

We see in these speeches a Cicero who is equally triumphant at his recall and confident in his recovery of his political status and influence. Therefore he could argue that he was above vengeance, such as that displayed by Marius, and instead focused on protecting and serving the *res publica* through his great political weapon of oratory. In that respect, Marius' exemplum was more appropriate as a contrast to Cicero than as a parallel. In the months after his return to Rome, Cicero was busy trying to rebuild his public persona and for that purpose Marius was a useful exemplum, particularly in the *Post reditum ad populum* addressed to the people, who loved the memory of the old *popularis*. Marius was not represented as a positive personal exemplum of Cicero, but more as a contrast, that is, a negative personal exemplum, by which Cicero could emphasize his own achievements on behalf of the state.

At some point in his life, Cicero wrote a poem entitled *Marius*, which praised the general and his achievements. Fragments of this poem have come down to us, mostly in Cicero's own treatises *De legibus* and *De divinatione*.¹¹⁹ The dating is disputed, but I would agree with the majority of scholars who argue that Cicero wrote the poem in the period between his return from exile in September 57 BC and his composition of the *De legibus*, which was probably sometime in the late 50s BC.¹²⁰ This dating allows the characteristics of both textual and historical contexts to be taken into account:

¹¹⁸ Mack (1937) 26–7, 30–2, 34–5; Thompson (1978) 101–3; Nicholson (1992) 102–4; Dyck (2004a) 302; Kelly (2006) 152–3; Bücher (2006) 248–9 with note 92.

¹¹⁹ *Cic. Leg.* 1.1–2; *Div.* 1.106. Cf. *Cic. Att.* 12.49.2 (May 45 BC) where a person claiming to be Marius' grandson refers to Cicero's poem as a sign of Cicero's positive inclination towards the Marii in the hope that Cicero will defend him in a court case. See also *Cic. Rep.* 1.6 where Marius' exile is mentioned, and *Cic. Leg.* 2.6 where Cicero refers to Pompey's praise of Marius and Cicero as saviours of the *res publica*.

¹²⁰ The *De legibus* provides a *terminus ante quem*, but as the dating of this work is unclear, so is this *terminus*. Dating 57–51 BC: Haupt (1875) 211–14; Ewbank (1933) 3–16; Gnauk (1936) 57–8; Büchner (1939) 1264–5 ('spät'); Malcovati (1943) 266–7, 271; Castorina (1953); Courtney (1993) 174–8; Steel (2005) 29–30. Dating 87–79 BC: Grollmus (1887) 18–27; Drumann & Groebe (1919) 235–6; Ferrarino (1939) 161; Rawson (1975) 19; Fuhrmann (1990b) 34. Dating 59 BC: Benario (1956); Benario (1957). Dating 46–45 BC: Brozek (1982).

<i>hic Iouis altisoni subito pinnata satelles</i>	Suddenly the winged minister of Jupiter who thunders on high,
<i>arboris e trunco, serpentis saucia morsu,</i>	wounded by a snake bite, swoops down from a tree trunk
<i>subrigit ipsa feris transfigens unguibus anguem</i>	piercing the snake with its fierce talons
<i>semanimum et uaria grauitur ceruice micantem.</i>	half-alive, its multi-coloured neck shining forebodingly.
<i>quem se intorquentem lanians rostroque cruentans,</i>	Tearing it as it writhed and bloodying it with its beak
<i>iam satiata animos, iam duros ulta dolores,</i>	having satisfied its anger and avenged its bitter pains,
<i>abiecit eflantem et laceratum adfligit in unda</i>	it tossed it away still breathing, flung it torn into the water
<i>seque obitu a solis nitidos conuertit ad ortus.</i>	and turned from the sunset to shining sunrise.
<i>hanc ubi praepetibus pinnis lapsuque uolantem</i>	When flying on its wings of good-omen and swooping,
<i>conspexit Marius, diuini numinis augur,</i>	augur of the divine will, Marius saw it
<i>fausta que signa suae laudis reditusque notauit,</i>	and recognized signs of good omen for his own glory and return,
<i>partibus intonuit caeli Pater ipse sinistris.</i>	the Father thundered on the left side of heaven.
<i>sic aquilae clarum firmauit Iuppiter omen.</i> ¹²¹	Thus Jupiter himself confirmed the clear omen of the eagle.

¹²¹ Cic. *Div.* 1.106 (text: Courtney (1993), transl. Wardle (2006)).

In the poem, Cicero emphasizes Marius' return from exile, as he had done in the *Post reditum* speeches, only here put into a more fatalistic context; it was the wish of the gods that he should return to Rome. We can only guess at Cicero's message with this passage, since we do not have the subsequent verses, but it seems possible that Cicero wanted to hint that his own return to Rome was also sanctioned by the gods, besides the Senate and the people. There is a danger of circular argumentation here, as this passage has often been used as evidence for dating the poem to the period after Cicero's return to Rome. However, irrespective of composition date, it is beyond doubt that Marius is praised in this passage, and the mere fact that Cicero wrote a poem on Marius suggests that he regarded the exemplum of Marius as useful for himself. Furthermore, the passage in the *De legibus* states that the poem had a readership.¹²² If Cicero had expected a readership, he would have considered which image to portray of Marius and indeed whether this image would have any impact on his own public persona.

From being an exemplum of *novitas* and of a responsible consul acting against revolutionaries, Marius is in this period of Cicero's life presented as an exemplum of a returning exile, although not as a positive personal exemplum of Cicero's. In fact, Marius' figure is used to contrast Cicero's own extraordinary recall, becoming a negative personal exemplum. The implications of this fact will be discussed in the concluding remarks to this section.

Opimius

A final exemplum of an unjustly exiled consular employed by Cicero is L. Opimius.¹²³ As consul in 121 BC, L. Opimius used arms to suppress the protests of C. Gracchus, the tribune M. Fulvius Flaccus, and their supporters; a large number of Roman citizens were killed. Opimius argued that he had acted in the best interests of the state, authorized by the Senate's decree. This is the first instance of a consul relying on the so-called *senatus consultum ultimum* to justify the killing of Roman citizens without trial. Opimius was prosecuted in 120 BC by the tribune P. Decius Subolo for unlawful executions

¹²² Cic. *Leg.* 1.1 (Scaevola), 1.4 (*multa quaeruntur*).

¹²³ Kelly (2006) 152 remarks that Cicero did not exploit the exemplum of the unjustly exiled consular P. Rutilius Rufus (cos. 105 BC) [except for one instance: Cic. *Pis.* 95] because Rutilius had not sought restoration and died in exile. While this may be true, perhaps Cicero also shunned Rutilius' exemplum (which he knew: Cic. *De or.* 1.227–30; *Brut.* 85, 113–16; *Font.* 38; *Pis.* 95; *Nat. D.* 3.80, 3.86) because Rutilius went into exile as a result of a prosecution *de repetundis*, that is, nothing to do with violent tribunes or revolutionary citizens, as in the cases of Popilius, Opimius, and Metellus. Furthermore, Rutilius went to Smyrna after his initial destination of Mytilene, and he became a citizen of Smyrna. In other words, he accepted his status as *exul*, which Cicero never did.

and imprisonments, but was acquitted. He was exiled in 109, formally on the separate issue of corruption in the dealings with Jugurtha, but his prosecution was probably related to his actions against the Gracchans.¹²⁴

Cicero's many and varied references to Opimius' consular actions and resulting trial indicates that this was a case well known among Cicero's audiences.¹²⁵ Opimius' action against Gracchus and his followers was the earliest historical exemplum in which Cicero could seek support for his own line of argument in the Catilinarian speeches. Unsurprisingly, Cicero only mentions Opimius in the speeches delivered to the Senate, as the people might not have been so favourable to the memory of Opimius' violent quelling of the Gracchans. In both the first and the fourth Catilinarian speeches (delivered to the Senate), Cicero's references to Opimius are seemingly objective. He refers to the Senate's authorization of Opimius to act against the Gracchans (alongside the Senate's authorization of the consuls Marius and Valerius against Saturninus in 100 bc) and to Opimius' arrest and execution of the son of M. Fulvius Flaccus, who was sent to the consul to negotiate, although without directly naming Opimius. However, it is clear that Cicero is in favour of Opimius' actions because the welfare of the state and its citizens at large is of utmost importance and therefore above the lives of individual citizens aiming at destroying the state.¹²⁶ Indeed, the setting of the third and fourth Catilinarian speeches in front of and inside the temple of Concordia respectively, as well as Cicero's repeated references to *concordia* in the speeches is a further favourable allusion to Opimius' actions. The temple of Concordia was built by Opimius after the suppression of the Gracchans as a symbol of the concord between Senate and people, a symbol understood by many to be bloody and blasphemous to the original meaning of *concordia* as the peaceful settlement between the Senate and the people after the so-called struggle of the orders of the late fourth century bc.¹²⁷ Cicero does not mention Opimius directly in connection with the temple, but his description

¹²⁴ L. Opimius (*RE* 4). See *RE* and Kelly (2006) 76–8, 170 for details and evidence; see Gruen (1968) 102–5 for discussion of the first trial and the links between the case of Opimius with that of Popilius, and 144–5 for the second trial and its links with Opimius' actions of 121 bc. For Decius' *cognomen* Subolo see *MRR* III, 81 and Alexander (1990) 15 who accepts the *cognomen* and gives references to further discussion.

¹²⁵ *Cic. Cat.* 1.4, 4.13; *Sest.* 140; *Pis.* 95; *Planc.* 69–70, 88; *Rep.* 1.6; *Mil.* 8, 83; *Phil.* 8.14.

¹²⁶ *Cic. Cat.* 1.4, 4.13. The earliest reference to Opimius in Cicero's extant works is *Cic. Inv.* 2.105 where Opimius is mentioned as the presiding judge in the trial of Pullus sometime after 125 bc, without any hint of exemplarity.

¹²⁷ Concordia: *Cic. Cat.* 3.21–5, 4.15 with Morstein-Marx (2004) 55–6, 102–3 and Clark (2007a) 170–6. See Clark (2007a) 120–3, 133–4 for the Opimian temple itself, and 54–6 for the first temple to Concordia and the possibility that Opimius' temple was a rebuilding of an original temple to Concordia on the same site.

of the events of 121 BC leads to his mention of the Forum, the temples around the Forum, and the temple in which they are deliberating (*hic templum*) so the connection is being made implicitly.¹²⁸ However, in the Catilinarian speeches in general, Cicero does not make as much use of Opimius' exemplum as one might have expected, especially considering his chance to revise the speeches for circulation in 60 BC.

In the period after his return from exile, Cicero exploits Opimius to a greater degree. Cicero's brief mention of Opimius in his first speech to the people after his recall, the *Post reditum ad populum*, is meant to contrast the lack of support Opimius as consul showed in Popilius' recall with the support Cicero experienced from the consuls in his own recall.¹²⁹ As discussed above, Cicero employs Popilius', Metellus', and Marius' returns from exile as historical exempla to contrast with his own, and it is in this context that Cicero mentions Opimius. Opimius is not presented as exemplary, either positively or negatively, but simply mentioned because he was consul in the year Popilius was recalled.

Not so in Cicero's speeches *Pro Sestio*, *In Pisonem*, and *Pro Plancio*. In his attempt to explain and defend his own consular actions and resulting exile, Cicero takes up Opimius' action against the Gracchan followers, the subsequent trial and his later exile.¹³⁰ Opimius is presented as the ultimate exemplum of a man who strove to protect the state (against the Gracchan supporters) and thereby earned the people's gratitude to such a degree that it saved him in spite of the unpopularity his action had generated. But it could not save him in his later trial which led to conviction and exile.¹³¹ Cicero's message is that opposition to rebellious citizens is not only necessary to uphold the state but will also be recognized by the people as praiseworthy, just as Cicero's opposition to Catiline was necessary and even led to a recall from exile supported by the people at large. Opimius' case is not directly parallel to Cicero's in that Opimius' opposition to the Gracchan followers did not lead to his exile, and Cicero does point out the separation between

¹²⁸ Cic. *Cat.* 4.13–14.

¹²⁹ Cic. *Red. pop.* 11.

¹³⁰ See Thomas (1919) 70–1 for a similar conclusion on Cicero's use of Opimius as part of his self-defence.

¹³¹ Cic. *Sest.* 140. Cicero's point that Opimius was acquitted because of the people's gratitude and in spite of his great unpopularity seems paradoxical; were the people for or against Opimius' action? The answer seems to be that Cicero distinguishes between the majority of the people acquitting Opimius and the minority criticizing Opimius. Cicero's point is that Opimius' acquittal in his first trial of 120 BC proved that his action was right and that the people in general recognized this, despite the ill will of those quarters who supported Gracchus' measures; a point which was meant to support his own claim of legality in the execution of the Catilinarian conspirators.

Opimius' opposition and his later exile. Yet, by lamenting Opimius' fate as a forgotten exile in Dyrrachium despite his unselfish actions on behalf of the state, Cicero implicitly aligns Opimius' suppression of the Gracchans and later unrelated exile with his own suppression of the Catilinarian conspiracy and resulting exile. In this convoluted way, Opimius is presented as a personal exemplum.

Again in the *In Pisonem*, Cicero implicitly presents Opimius' fate as similar to his own: both had saved the state from danger when consuls, but their undeserved exile should not be read as punishments because they were innocent of the crimes for which they were accused and punished.¹³² In the *Pro Plancio*, Cicero employs Opimius' case differently. Cicero was heavily criticized by the prosecution for his decision to defend Plancius, a decision which was understood to be a result of personal obligation on Cicero's part for Plancius' unwavering support during Cicero's exile, and not because Cicero thought Plancius innocent. In the speech, Cicero implies that the *subscriber*, the co-prosecutor L. Cassius, had referred to Opimius' conviction in court and exile, arguing that since even Opimius was condemned when guilty in spite of his services to the state, Plancius ought also to be condemned in spite of his services to Cicero. But Cicero turns the argument on its head by maintaining that Cicero must defend Plancius so that the fate of Opimius is not repeated, almost admitting Plancius' guilt, yet sidelining it, as Plancius' services to the state should procure his acquittal. Again, Opimius' consular actions are presented as a praiseworthy defence of the state against civil war which nevertheless failed to save Opimius from later trial and exile.¹³³

The case of Opimius was evidently at the forefront of Cicero's mind in these years after his return to Rome. Whilst referring to Opimius' exemplum in his forensic speeches, Cicero discussed the legal arguments of Opimius' trial of 120 BC in the *De oratore*.¹³⁴ In this work, Opimius is not presented as an exemplary figure, but the arguments used by both prosecution and defence are discussed and labelled as school-book examples of legal arguments. Furthermore, Opimius is mentioned in the *De republica* alongside Camillus, Ahala, Scipio Nasica, Popilius, Metellus Numidicus, Marius, and Cicero himself as men who acted in the interest of the state and still were unjustly treated by the people.¹³⁵ A slightly altered list reappears in the speech *Pro*

¹³² Cic. *Pis.* 95.

¹³³ Cic. *Planc.* 69–70, 88.

¹³⁴ Cic. *De or.* 2.106, 2.132, 2.134, 2.165, 2.169–70. Parts of these arguments are repeated in the later *Part. orat.* 104, 106.

¹³⁵ Cic. *Rep.* 1.6. M. Furius Camillus (*RE* 44, prominent general and senator exiled in 391 BC); C. Servilius Ahala (*RE* 32, 1770–1 may have been exiled. For the two versions of the story in Roman tradition see Lintott (1970) 13–18; Cornell (1986) 58–61); P. Cornelius Scipio

Milone of 52 BC, where Cicero enumerates consuls who had to punish rebellious citizens: Ahala, Scipio Nasica, Opimius, Marius, and Cicero. Of these only Camillus, Opimius, Marius, and Cicero were formally exiled, but Ahala and Scipio Nasica did incur the hatred of the people as a result of their actions.¹³⁶ There is no mention of their (possible) exiles, as this was not directly relevant for Cicero's point about the necessity of acting against rebellious citizens such as Clodius. This point again became relevant in Cicero's attack on Marcus Antonius in the *Philippics*.¹³⁷ Cicero also remembers Opimius in the treatise *Brutus* as 'the most distinguished citizen' (*civemque praestantissimum*) who was deprived of civic rights by Gracchan judges (in 109 BC) despite being acquitted by the people (in 120 BC).¹³⁸

Opimius mainly appears in Cicero's speeches and theoretical works after his recall from exile. He is a direct historical exemplum of a consul punishing citizens under the so-called *senatus consultum ultimum*, even acquitted of any crime in this matter, to which Cicero refers in his Catilinarian speeches. However, Cicero does not exploit Opimius' example to the full in these speeches, perhaps because he felt safe in following Opimius' example which led to an acquittal. Having been proved wrong by his exile, Cicero utilizes the further parallels between Opimius and himself—action against rebellious citizens and later exile—and even manipulates Opimius' case by arguing implicitly the causality between Opimius' consular actions and his exile, so as to strengthen the similarities between Opimius and himself and thereby his argument.

The fact that Cicero continues to refer to Opimius in his theoretical works in the 40s BC seems less a continued attempt to defend himself against criticism of his consular actions, given the brief and scattered mentions, and more a result of his awareness of Opimius' case as a possible general historical exemplum. The exception is the reference from the eighth *Philippic* speech in which Cicero takes up the example of Opimius and other senators acting against rebellious citizens in his attack on Marcus Antonius in 43 BC.¹³⁹ Here Opimius is part of a much more forceful argument and there is much more at stake than there was in the *Brutus* or the *Partitiones Oratoriae*. Yet, here Cicero uses Opimius and the other exempla less as a personal exemplum

Nasica Serapio (*RE* 354, cos. 138 BC, never formally exiled but sent on a mission to Asia because of unpopularity with the *plebs*). As we have seen Opimius, Marius, and Cicero were exiled.

¹³⁶ Cic. *Mil.* 8, 83.

¹³⁷ Cic. *Phil.* 8.14, although with an altered list: Nasica, Opimius, Metellus Macedonicus, Marius, Valerius, and Cicero.

¹³⁸ Cic. *Brut.* 128.

¹³⁹ Cic. *Phil.* 8.14.

and more as a historical exemplum by which to convince the consul Q. Fufius Calenus to abandon his conciliatory attitude to Antonius.

Opimius is presented as a personal exemplum in terms of his decision to defend the state and its citizens against radical tribunes and their rebellious followers and in terms of the exile he unjustly had to endure. Cicero is thereby combining two elements which were separate in Opimius' case but closely linked in his own. As with the other personal exempla, Cicero develops and tailors the historical figure only when the need arises and in a manner which suits Cicero's argument. Opimius was a suitable personal exemplum in some of Cicero's forensic speeches of 56–54 BC when he felt he had to defend the reasons for his exile and recall and his motivations for aligning himself with the dynasts. Opimius' exemplum could be adapted to illustrate the legitimacy and benefit to the state of Cicero's stance against the Catilinarian conspirators as well as the injustice of his exile.

Themistocles and other Greek exiles

The prominence of Popilius, Opimius, Metellus Numidicus, and Marius as exempla of unjustly exiled politicians is noteworthy considering the numerous examples from Greek history of well-known citizens going into exile. In the speech *Pro Sestio*, Cicero continues from Opimius' exemplum to compare the exiles of Themistocles, Miltiades, and Aristides with his own in respect of injustice. Even in Athens, Cicero argues, there were men willing to protect the interests of the state against the wrath of the people at the price of exile. However, because of their services to the state these men are now praised by both Greeks and Romans, whereas their oppressors are long forgotten.¹⁴⁰ In other words, services to the state provide long-lasting fame and high repute, which outweigh the negative consequences of exile. This argument ties in well with Cicero's overall defence of his exile and recall, as discussed above.

However, the Greek exiles are not employed as often or as extensively as the Roman ones. Indeed, the passage from the *Pro Sestio* is the first to mention Themistocles' exile, as well as those of Miltiades and Aristides. Previously, Cicero had only mentioned Themistocles as a promoter of laudatory poetry in his defence of the poet Archias.¹⁴¹ Immediately after his recall, Cicero did not exploit any of these Greek exiles, except in the *Pro Sestio*. In the longer view, however, Themistocles is mentioned in letters and treatises, but not

¹⁴⁰ Cic. *Sest.* 140–3. For Cicero's use of Themistocles' exemplum in general see Berthold (1965).

¹⁴¹ Cic. *Arch.* 20 (62 BC).

speeches, as an unjustly exiled statesman, who took the moral high ground.¹⁴² Especially telling is the reference to Themistocles in Cicero's request from 55 BC to the historian Lucceius to write a work on Cicero's consulship, exile, and recall. Here, Cicero employs Themistocles as an exemplum of how well stories about those unjustly exiled can arouse the feelings of the audience and thus provide an effective and entertaining piece of literature. By comparing Lucceius' possible work on Cicero with Herodotus' histories of Themistocles, Cicero tries to flatter Lucceius into writing.¹⁴³ In 55 BC, Cicero was still very much preoccupied with offering his version of the events and he, mistakenly, hoped Lucceius would help him in this endeavour. It is not surprising that Cicero could refer to Greek exempla of historians and exiles in this letter. The context was literary and the intellectual Lucceius would have appreciated the value of these exempla. The inclusion of Greek exempla in this letter ties in well with the conclusion on Cicero's use of Greek exempla in general, discussed in Chapter 6, to be mainly in letters and treatises where literary or philosophical themes were developed.

Themistocles was not only an exemplum of an exile, for Cicero employed the Athenian differently in the *De oratore* and the defence of Scaurus in the following years.¹⁴⁴ The picture of the great man who served his state but nevertheless suffered the rashness of the people returns in the *De republica*; here Themistocles, together with Aristides and Cleisthenes, provide Greek examples of this type before Cicero moves over to the Roman examples of Camillus, Ahala, Nasica, Popilius Laenas, Opimius, Metellus, Marius, and Cicero himself.¹⁴⁵ The impression is that Themistocles formed part of a traditional list of great citizens whose actions on behalf of the state were received with the hostility of an ungrateful people, Greek and Roman, which Cicero could utilize for propounding his version of the events surrounding his exile and return.

In the 40s BC, Cicero made extensive use of Themistocles. In the early months of the civil war, Themistocles' exemplum helped Cicero to decide against neutrality and to promote an image as a virtuous politician risking his own well-being for the sake of his political principles.¹⁴⁶ The treatises of the 40s BC

¹⁴² Cic. *Fam.* 5.12.5–7 (55 BC); *Rep.* 1.5 (ca. 54 BC); *Att.* 10.8.4, 10.8.7 (49 BC); *Brut.* 41–3 (46 BC); *Tusc.* 1.33 (45 BC); *Amic.* 42 (44 BC).

¹⁴³ Cic. *Fam.* 5.12.5–7.

¹⁴⁴ Cic. *De or.* 2.299–300, 2.341, 2.351, 3.59: Themistocles' intelligence and extraordinary memory. Cic. *Scaur.* 3: the tradition that Themistocles committed suicide, which Thucydides did not believe (Thuc. 1.138.4).

¹⁴⁵ Cic. *Rep.* 1.5–6.

¹⁴⁶ Cic. *Att.* 7.11.3, 10.8.4–7 (49 BC). Further reference to the traditional story of Themistocles' suicide in Cic. *Att.* 9.10.3 (49 BC). Final reference to Themistocles in Cicero's letters: Cic. *Ad Brut.* 1.15.11 (43 BC).

also show a variety of messages in Cicero's employment of Themistocles, mostly referring to Themistocles' great skills as a politician and his remarkable memory.¹⁴⁷ A few of them also return to Themistocles' exile. In the *Brutus* and the *De amicitia*, Cicero compares the fates of Themistocles and Coriolanus, who, he argues, were both unjustly exiled by an ungrateful people, both conspired against their countries, and both committed suicide.¹⁴⁸ This last element has been doubted by Thucydides and modern scholars.¹⁴⁹ The *Brutus* passage comes as part of Cicero's discussion of Greek oratory and the comparison between Themistocles and Coriolanus is a result of their contemporaneity and similarity in fate. Cicero is, in other words, not explicitly (but perhaps implicitly) trying to promote his own self-image as an unjustly exiled consular, but instead discusses Greek orators.¹⁵⁰

A passage in the treatise *Tusculanae Disputationes* provides a closer correlation between Cicero's and Themistocles' achievements on behalf of the state. In an argument for acting in the interest of future generations and not just present concerns, Cicero makes the case that great men risked their lives on behalf of their countries in the hope of a long-lasting memory. As examples of this view, Cicero mentions Themistocles, Epaminondas, and himself. He even argues that such a sense of future remembrance is stronger in men of the greatest genius and the highest spirit (*in maximis ingeniis altissimisque animis*)—explicit self-praise. Here, Cicero returns to the comparison between himself and Themistocles, without even providing Roman exempla. In a treatise like this, it was evidently acceptable to refer to Greek examples only without causing resentment.

Cicero's use of Themistocles is thus varied in terms of messages and flexible in terms of elements emphasized. Themistocles is sometimes a useful exemplum of an exile, but not always directly related to Cicero's own exile. The most explicit passages are in the speech *Pro Sestio*, the letter to Lucceius, and the treatises *De republica* and *Tusculanae Disputationes*. The first three form part of Cicero's self-defence of his exile and recall whereas the last passage is tied in with Cicero's thoughts about his own memory. Of more than thirty

¹⁴⁷ Cic. *Brut.* 28; *Acad. Pr.* 2; *Fin.* 2.67, 2.104, 2.116; *Tusc.* 1.4, 1.110, 4.44, 4.55; *Sen.* 8, 21; *Off.* 1.75, 1.108, 2.16, 2.71, 3.49.

¹⁴⁸ Cic. *Brut.* 41–3; *Amic.* 42. Berthold (1965) 39 rightly argues that this element of conspiracy was only introduced by Cicero after the actions and negotiations between Pompey and Caesar in 49 BC made it relevant to Cicero's discussion. For Coriolanus as historical figure and myth see Cornell (2003).

¹⁴⁹ Thuc. 1.138.4; *RE* 1; *OCD*³ 'Themistocles'.

¹⁵⁰ See Griffin (1997a) with discussion of this issue in relation to Cicero's letters to Matius and his views expressed in the *De amicitia* and the *De officiis*.

references to Themistocles, only three appear in his speeches. This accords well with the general findings on Cicero's use of Greek exempla versus Roman exempla, discussed in Chapter 6. Moreover, this fact makes Cicero's inclusion of Themistocles in the *Pro Sestio* all the more remarkable. Themistocles must have been a figure known to Cicero's audience of jury and the people listening in on the proceedings. Indeed, the sudden inclusion of Themistocles into this list of exiles suggests that Cicero needed further examples to support his case besides the Roman exempla mentioned in the *Post Reditum* speeches. The context in which Cicero includes Themistocles is also worth noting, especially in connection with the passage from the *Tusculanae Disputationes*. In both the *Pro Sestio* and the *Tusculanae Disputationes*, Cicero employs Themistocles (and other exiles) to argue that actions on behalf of one's country, even if leading to exile or death, will lead to long-lasting fame and memory in the future, which is to be preferred to repute in the present. In this way, Cicero in the *Tusculanae Disputationes* returned to his argument from the *Pro Sestio*, and both passages illustrate Cicero's concern for how he would be remembered. It was of importance in 56 BC when Cicero struggled to keep his political status, as it was in the 40s BC when Caesar's dictatorship made it impossible for Cicero to exercise his political opinions in the open. We shall return to Cicero's concern for his memory in Part IV. The *Tusculanae Disputationes* passage is also noteworthy for Cicero's claim to have acted on behalf of the state simply out of concern for his own memory. This clashes with Cicero's previous expressions of motivation for going into exile, as discussed above, but might it be closer to truth?

These passages on Themistocles in Cicero have helped to further illustrate Cicero's choice and employment of historical exempla as not only varied and flexible, but also very context-sensitive. The other Greek exiles mentioned in the *Pro Sestio* and the *De republica* were not exploited much further; they may have formed part of a list of exiles, but Cicero did not consider them strong enough exempla to consistently support his case. The timing of the exemplum of Themistocles is striking: only after Cicero's own exile did he deem Themistocles to be a useful exemplum. Finally, the conclusion that Cicero's use of Greek exempla in general is much more regular in his treatises and letters instead of speeches is nicely illustrated by Cicero's references to Themistocles. The passages discussing Themistocles' exemplum provide interesting observations on his use of exempla of exiles and Greeks, but Themistocles' role as an exemplary exile is far less dominant and developed than those of Popilius, Opimius, Metellus, and Marius, and probably far less contested.

Scaurus

In 54 BC, Cicero defended M. Aemilius Scaurus (pr. 56 BC) on charges of extortion in the province of Sardinia. The prosecution seems to have been politically motivated because at the time of the trial, Scaurus was a candidate for the consulship of 53 BC, and he was indeed later prosecuted for electoral malpractice (*ambitus*), as were the other three candidates. Cicero's advocacy on Scaurus' behalf was most likely the result of his dependency on Caesar, Pompey, and Crassus, who supported Scaurus' candidature for the consulship and therefore wished him acquitted.¹⁵¹ As part of his defence, Cicero refers to the virtuous father of his client as a guarantee of the son's innocence:

(1) What M. Scaurus wished for the most, judges, was to retain, without facing any hatred from anybody and without offence or annoyance, the dignity of his clan, his family and his name to which he has always devoted himself. [exempla of the father's great achievements]

(4) For not only did I admire this man [the father], as everybody did, but I held him in special regard. For he was the first to stir in me, ardent as I was with ambition for praise, the hope that I could achieve this by virtue and without the aid of Fortune, and that I could achieve my goal by energy and constancy.¹⁵²

The virtuous father, also M. Aemilius Scaurus, was of patrician family, but a distant ancestor had lost senatorial status. By his election to the consulship in 115 BC, Scaurus won back senatorial status and he further enhanced the dignity of himself and his family at large by becoming *princeps senatus*. Cicero often characterizes Scaurus as being extremely stern, wise, unwavering, strong, and serious in that he possesses dignity, judgement, constancy, prudence, stamina, and severity (*gravitas*, *consilium*, *constantia*, *prudencia*, *fortitudo*, and *severitas*). In Cicero's view, Scaurus was an outstanding citizen and the most eminent man in Rome in his time, ruling the world by his nod.¹⁵³

¹⁵¹ Cic. Att. 4.15.7–10, 4.17.2–5, 4.18.2–3, 4.19. See Asc. 18–20C; Gruen (1969); Gruen (1974) 148–9, 331–7; Alexander (2002) 98–109 for the political background to the trial and the competition over consulship.

¹⁵² Cic. Scaur. fr. 1.1–4: (1) *Maxime fuit optandum M. Scauro, iudices, ut nullo suscepto cuiusquam odio sine offensione ac molestia retineret, id quod praecipue semper studuit, generis, familiae, nominis dignitatem.* [exempla of the father's great achievements] (4) *Non enim tantum admiratus sum ego illum virum [pater], sicut omnes, sed etiam praecipue dilexi. Primus enim me flagrantem studio laudis in spem impulit posse virtute me sine praesidio fortunae, quo contendissem, labore et constantia pervenire.* The first fragment is from St Augustine, the last from Asconius. Lewis (2001) discusses Cicero's source for his knowledge of Scaurus, suggesting that Cicero's inspiration came from personal acquaintance. Lewis does not ponder on the content of this passage and the implications for Cicero's self-representation.

¹⁵³ Cic. Font. 24. Cf. Cic. Verr. 2.3.209; Font. 38; Rab. perd. 21, 26; Mur. 36; Deiot. 31; Arch. 6; (Prov. cons. 19); Leg. 3.36; Off. 1.76, 1.108; Fam. 1.9.16. RE 140 (Klebs).

Scaurus was indeed very famous for his staunch conservatism, defending the authority of the Senate against all attempts of the tribunes or *popularis* politicians in general to secure power.¹⁵⁴ In his rhetorical works, Cicero recognizes the limits to Scaurus' oratory, but he still finds this disadvantage balanced by Scaurus' great dignity and authority. Indeed, the image of Scaurus' *gravitas* and *severitas* is further reinforced in these works.¹⁵⁵ The memory of Scaurus seems to have been widespread among both senators and people, and references to the *princeps senatus* could certainly be employed positively in the defence of his son.¹⁵⁶

Besides Cicero's attempt to apply the authority of M. Aemilius Scaurus, the father, to the son by recalling the great deeds of the father, implying family exemplarity, it is perhaps more remarkable that Cicero proclaims M. Scaurus, the father, to be a personal exemplum for himself. In this passage, Cicero argues that the reason for Scaurus' exemplarity was that Scaurus had shown that a man could reach the political pinnacle relying only on his own virtue, energy, and constancy (*virtus*, *labor*, and *constantia*), and not on Fortune (*fortuna*) which here implies social position or the backing of a good ancestry. Depicted as a man relying solely on his own merits and virtuous character traits, M. Aemilius Scaurus (the father) is here presented as someone disadvantaged almost like a *homo novus*. Cicero argues that by being the first in the family to regain the senatorial status, Scaurus could stand as a model for a new man wishing to obtain the consulship, implicitly aligning Scaurus with the *homines novi*.

Cicero's argument of Scaurus' *novitas* provides a further facet to the flexibility of the term *homo novus* in the mouth of an experienced orator, discussed in Part I. In fact, no other ancient sources support Cicero's presentation of Scaurus as a quasi-*homo novus*, not even most of Cicero's other references to Scaurus.¹⁵⁷ Nor do modern scholars.¹⁵⁸ Yet, Cicero still thought it useful to his argument to

¹⁵⁴ Cic. *Verr.* 1.52, *Font.* 24, *Mur.* 16; *Sest.* 101–3.

¹⁵⁵ Cic. *Brut.* 110–13, 116, 135; *De or.* 1.214.

¹⁵⁶ See Cic. *Att.* 4.16.6 which attests to Scaurus' memory being alive among the rural population at the time of the trial. Cicero's many references to Scaurus are evidence that such references were not lost on the political elite in Rome either. Vasaly (1993) 37–8 discusses the way in which Cicero utilizes the topographical setting of his speech to refer to the great actions and achievements of the Scauri, including the *princeps senatus*. This again illustrates how Cicero could use the physical setting not only as a pretext for enumerating these actions and achievements but also as a trigger for the audience's memory in aid of his overall argument.

¹⁵⁷ Cic. *Sest.* 101–2; *Dom.* 136; *Font.* 24, 26–7, 38; *Deiot.* 31; *Brut.* 110–16, 135; *Off.* 1.76, 1.108, 1.138–40. Cicero's positive treatment of Scaurus was not followed by all writers. Sallust is especially hostile: *Iug.* 15.4, 28.4–5, 29.2–3, 30.2, 32.1, 40.4. *ORF*⁴: P. Valerius Triarius fr. 2 (Val. Max. 8.1.10).

¹⁵⁸ Mommsen (1887) III³, 463, n. 2; Gelzer (1969a) 36 with n. 299 (ref. to Asconius' comment on the passage mentioned below). Gelzer also disregards Plut. *Mor.* 318C in which Plutarch refers to Scaurus as *καὶνὸς ἀνθρώπος*. But Nicolet (1967) 296–7 accepts Cicero's

present Scaurus as one, underlining that whilst Scaurus enjoyed the advantage of patrician descent, he was disadvantaged by the memory of the disgrace of his ancestor and the lack of immediate senatorial ancestors.¹⁵⁹ But why would Cicero argue that Scaurus was a quasi-*homo novus*?

The passage cited (fragment 4) is preserved by Asconius, the first-century AD commentator on Cicero.¹⁶⁰ Asconius is in no doubt that the fragment refers to Scaurus and that it belongs to this speech, nor is any modern commentator.¹⁶¹ And even if the fragment was from another Ciceronian text, it is still puzzling that Cicero would argue from Scaurus' quasi-*novitas*. Indeed, Asconius himself is puzzled by Cicero's comparison between the situation of Scaurus and *homines novi*. His explanation is that Scaurus had to work as hard for his consulship as a new man because his family had not obtained any magistracies for three generations. In other words, senatorial prestige had decreased so much that it hardly existed any longer. This seems a possible solution, if one wants to make the rhetoric fit with reality.¹⁶² Another possibility is that Cicero is simply playing on the flexibility of the concept *homo novus* in order to suit his rhetorical purposes.

Already in his defence of L. Licinius Murena in 63 BC, Cicero had compared Scaurus, the father, to new men:

Moreover, I have never considered Quintus Pompeius, a most valiant soldier but a new man, to be of any less merit than the extremely noble Marcus Aemilius [Scaurus]. For it requires the same spirit and talent to pass on to one's descendants, as Pompeius did, a distinction which one has not inherited as to renew by one's own ability, like Scaurus, the almost forgotten memory of one's family.¹⁶³

In Cicero's view, Scaurus' recovery of senatorial status is an expression of the same virtues that made Q. Pompeius fight his way from *novitas* to

argument. Wiseman (1971) 106, 207 accepts Asconius' explanation (see below) and argues that Scaurus had to work like a new man to obtain his consulship. Bates (1986) only mentions Scaurus' *novitas* once and does not take this into account.

¹⁵⁹ For evidence for this disadvantage see Hopkins & Burton in Hopkins (1983) 37–9, 62–3; and further discussion in Beck (2005) 153.

¹⁶⁰ Asconius (Stangl) 22–9 = (Clark) 18–29.

¹⁶¹ Asconius (Stangl) 25 = (Clark) 22–3. The first modern commentary includes these fragments as well: Gaumitz (1879). Fuhrmann (1980) VI, 204 and Lewis (2006) 223–4 express no doubt about the attribution to this speech.

¹⁶² This line of argument is followed by Fuhrmann (1980) VI, 419–20 note 5 and by Nicolet (1967) 296–7. This is not discussed by Gaumitz (1879) or Courtney (1961). Cassola (1988) 471–2, n. 62 is certain that this characterization is a rhetorical amplification.

¹⁶³ Cic. Mur. 16 (transl.: Berry (2000)): *Nec mihi umquam minus in Q. Pompeio, novo homine et fortissimo viro, virtutis esse visum est quam in homine nobilissimo, M. Aemilio. Etenim eiusdem animi atque ingeni est posteris suis, quod Pompeius fecit, amplitudinem nominis quam non acceperit tradere et, ut Scaurus, memoriam prope intermortuam generis sua virtute renovare.*

nobilitas. In other words, Scaurus' achievement is similar to that of a *homo novus*, and as such he stands as an example to follow for new men, including Cicero and, in Cicero's rhetoric, Murena. Cicero's rhetorical strategy in this speech was to defend Murena as a *novus* against the *nobilis* S. Sulpicius, but here we also see Cicero questioning the nobility which Sulpicius undoubtedly had claimed for himself. For Cicero's line of reasoning, the moral qualities of new men (*virtus industriaque*—'virtue and energy') constituted a crucial argument.¹⁶⁴

This argument is in tune with Cicero's overall rhetorical strategy in the *Pro Murena*, but, returning to the *Pro Scauro*, why would Cicero argue from Scaurus' quasi-*novitas*? Would it not have been more persuasive simply to argue from Scaurus' *nobilitas* in order to have his son acquitted? Nobility had saved other defendants from conviction, even when blatantly guilty, as Cicero's defences of Sulla and Flaccus show.¹⁶⁵ Furthermore, why did Cicero draw on his own experiences as a *homo novus*? One possibility is that Cicero admired the way in which Scaurus reached the political pinnacle of the consulship and even the position of *princeps senatus* against the odds. Furthermore, that Cicero identified himself with Scaurus' conservative outlook on the *res publica*. Indeed, Rawson's analysis of Scaurus' influence on Cicero 'suggests that Scaurus really was a political authority to Cicero'.¹⁶⁶ This ties in with Cicero's representation of himself in the *Pro Scauro* as taking Scaurus' example as a model for his own efforts to climb the *cursus honorum*. For that argument to work, Cicero had to emphasize the struggle of Scaurus as similar to that of *homines novi*, in spite of Scaurus' noble ancestry.

Irrespective of any possible positive feelings towards Scaurus, the father, Cicero's laudatory comment on Scaurus' achievement as a model for his own political strategy suggests that Cicero also wanted to promote himself, his political success as a *homo novus* and his defence of senatorial authority. At the time of delivering this speech, 54 BC, Cicero had lost most of his political independence as a forced supporter of the three dynasts, Caesar, Pompey, and Crassus. The defence of Scaurus was a result of this relationship with the dynasts. To compensate for his lack of political influence, Cicero had written his rhetorical work *De oratore* just the year before, in which he propounded his view of the ideal orator as a statesman. More political treatises along the same line were to follow.

¹⁶⁴ For further discussion of Cicero's rhetorical strategy against Sulpicius in the *Pro Murena* see the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

¹⁶⁵ Cic. *Sull.* 88–9; *Flac.* 98–9.

¹⁶⁶ Rawson (1971) 79–81; Rawson (1975) 12–13 with references to the evidence.

Modern scholarship has mostly looked for Cicero's independent voice in his rhetorical and political treatises of this period, but perhaps we can include this fragment from *Pro Scauro* as well.¹⁶⁷ Here Cicero attempts to present himself as the spiritual successor of Scaurus, who showed that one could reach the consulship not by ancestral merit but by personal achievement. The conservative connotations to Scaurus' name must also have appealed to Cicero in the turbulent and violent politics of the 50s BC, and he probably intends Scaurus' conservatism to be associated with himself. In this way, Cicero's second objective with this reference to Scaurus is to promote himself as a true statesman moulded in the image of Scaurus, the last great *princeps senatus*.

Cicero's immediate objective in this speech was to defend Scaurus, the son, successfully.¹⁶⁸ His prestige as consular and advocate and his worth as an ally of Scaurus and his powerful supporters, including the dynasts, would decrease in the event of failure. Therefore, he employed not only the *auctoritas* of Scaurus, the father, but also his own *auctoritas* on behalf of Scaurus' son. One might even argue that by associating the *princeps senatus* with himself, Cicero aligned himself more closely with the Scauri and thus placed his own *dignitas* and *auctoritas* on their side. In other words, the *auctoritas* of Scaurus, the father, rubbed off on both his son and Cicero, and with Cicero's *auctoritas* thus strengthened, he could place this in the service of Scaurus, the son, even more effectively. As discussed in Chapter 6, the *auctoritas* of both exemplum and orator was important for the impact.

Cicero's references to Scaurus as both a conservative optimiate and a man working his way up the *cursus honorum* as if a *homo novus* illustrates the way in which Cicero played with the notions of *nobilitas* and *novitas*. As such, these passages are good indications of how a skilled orator could play around with these notions and perhaps even change them in the same act. Cicero's discussion of Scaurus' political achievements and exemplarity formed part of his defence of Scaurus' son and he may not have praised Scaurus to the same extent outside this speech. However, Cicero's argument concerning Scaurus as an equivalent to the *novi* was not simply invented for the occasion since he aligned Scaurus with the *homines novi* already in the *Pro Murena* nine years

¹⁶⁷ Shackleton Bailey (1971) 89; Stockton (1971) 223; Habicht (1990) 71 (on the works of 46–44 BC, but with reference to Cicero's earlier works as 'a surrogate for politics'); Mitchell (1991); Fantham (2004) 310 (although challenging this view); Steel (2005) 42–3, 81–2; Dugan (2005) 80. Cf. Cic. *Div.* 2.7.

¹⁶⁸ Rawson's suggestion (1971) 80, n. 1 with reference to Cic. *Q Fr.* 2.16.3 that Cicero perhaps took the case from loyalty to Scaurus' father might be reading too much into Cicero's remark to Quintus that he will not let down Scaurus the son in his advocacy. Cicero could simply have meant that he as an advocate would do his best for his client because he had promised to take on the case.

earlier. Cicero could have presented Scaurus, the father, favourably in support of his son's case without making a great deal of comparing Scaurus to the new men. The fact that he did so indicates that Cicero found Scaurus a suitable exemplum with which not only to defend Scaurus' son but also to boost his own public persona.

The presentation of Scaurus varies in Cicero's works. However, in all references to Scaurus, Cicero is moulding the image of the great *princeps senatus* in order to suit his rhetorical strategy for the particular occasion. This was also the case in the *Pro Scauro*. But in most cases, Cicero not only argued a particular point, but also strove to promote his own political persona. For this latter purpose, the presentation of Scaurus as a quasi-*novus* and a *nobilis* at the same time functioned as Cicero's personal exemplum in his own career as a *homo novus* consular, providing him with a strong support for his own claim to political power and influence.

Preliminary conclusion

In the preceding discussion, we have seen that Cicero referred to the *nobilissimus* Q. Caecilius Metellus Numidicus as a personal exemplum because of the virtues demonstrated by his voluntary exile and triumphant recall. P. Popilius Laenas was a similar exemplum of a consular exile recalled. Furthermore, we have seen that Marius, the prime exemplum of the *homo novus*, was referred to as an exemplum only when fighting for the *res publica* and chastised when fighting for his own purposes. Indeed his motivations for and circumstances surrounding his return to Rome are used by Cicero as a negative personal exemplum. L. Opimius was a further exemplum of a consul taking decisive action against rebellious citizens and later being unjustly exiled. As a Greek example of a politician serving his country but nevertheless being exiled, Cicero employed Themistocles. Lastly, we have seen that Scaurus was generally praised for his defence of the *res publica* and his strong leadership, and, in particular, for his climb up the *cursus honorum* which stood as exemplary to *homines novi* and *nobiles* alike. These cases suggest that Cicero did not regard men as personal exempla simply on the basis of their ancestry or lack of the same, that is, on the similarities between their background and his own, but on the (perceived) actions and motivations of these men. Metellus, Popilius, Opimius, and Scaurus were all conservative politicians, or *optimates*, whereas Marius did not shun the means of the *popularis* politician to further his own objectives. Themistocles, in Cicero's depiction, was also spurred to action by his ambition for a long-lasting memory; an ambition which Cicero admits to sharing.

In his political life, Cicero acted and regarded himself as one of the *optimates*, at least from his praetorship onwards, and he seems to have identified himself with both the cause of the *optimates*, who were mostly men of famous ancestry, and that of the *homines novi*.¹⁶⁹ For this combination of *novitas* and *nobilitas*, Scaurus presented the perfect mix, at least in Cicero's presentation. Seen this way, Cicero's high regard for Scaurus is perhaps not as puzzling as one might have thought. Scaurus could be presented as a quasi-*novus* reaching the Senate through the combination of virtue, hard work and constancy (*virtus, labor, and constantia*), and an optimate working for the benefit of the *res publica* and the Roman people. This image was close to the persona promoted by Cicero himself. The exempla of Metellus, Popilius, Opimius, Marius, and Themistocles were different. The selection of these figures as personal exempla was not spurred by a need to defend their descendants, but represented Cicero's free choice. As such they were of a more immediate character. When Cicero found their actions and situations appropriate for a comparison with his own, he employed their exempla, but only for particular features, and sometimes tailored to fit his own situation.

Cicero's references to Popilius, Metellus Numidicus, Marius, Opimius, and, to a certain extent, Scaurus, put the spotlight on the last decades of the second century BC and the political clashes between tribunes and the Senate. This was a period in which political issues were being tested which later had direct relevance for the political life of Cicero's day and for Cicero's political career in particular. The most discussed issue was the right of a consul to punish Roman citizens without trial if ordered by the Senate to protect the state, sometimes leading to the exile of the consul. These two elements of consular/senatorial power and exile made the cases of Popilius, Metellus, and Opimius crucially relevant to Cicero's own case, even if these historical cases were not exactly parallel to that of Cicero.

The dominance in Cicero's works after his recall from exile of historical exempla from the centre of the struggles between tribunes and senators in the period 133–100 BC seems not accidental. Cicero found himself at the heart of similar debates and clashes over the authority of the Senate and the rights of the people represented by the tribunes. Indeed, the issues raised during his consular year in the Rabirius trial and the Catilinarian conspiracy continued to have relevance for Cicero, the dynasts and Clodius and therefore for political life in general. Cicero's employment of these historical exempla is

¹⁶⁹ Nicolet (1967); Rawson (1975) 12–13; Burckhardt (1988) 19; Mitchell (1991) 31–2, 62. Cf. Cic. *Rep.* 2.56; *Leg.* 2.30. For Cicero's posture as a true *popularis* in, e.g., his speeches against Rullus' agrarian bill of 63 BC, see Morstein-Marx (2004) 207–28.

meant to function as part of his defence of his actions in 63 BC and onwards, but they also present the Senate's view of the struggles in the period 133–100 BC. It is not hard to imagine that tribunes such as Clodius tried to paint a different picture of the events, even if such references in the extant fragments from Clodius' speeches are not attested.¹⁷⁰ Indeed, Cicero's many and detailed discussions indicate that the interpretation of these historical figures was neither straightforward nor uncontested. We know that there existed both a positive and negative tradition about Metellus Numidicus' exile and recall. We have also seen in Chapter 6 that the Gracchi were regarded differently by the people and the Senate. Saturninus was a further example of a historical figure which could be used both positively and negatively, as indeed was Marius. The *popularis* catalogue of exemplary tribunes, discussed above, provided an alternative reading of these events and must have challenged Cicero's version. The speeches of Sallust's tribunes suggest that references back to previous tribunes could have been a favourite theme in the 50s BC. Therefore, Cicero's use of these figures would have had to be carefully adjusted to his audience in order to have had the desired effect.

In his speeches of this turbulent period of his life, Cicero presented new personal exempla or new aspects of previously presented personal exempla in order to defend his case and rebuild his public persona. Exempla such as Laelius, Scipio, Crassus, Antonius, or the Scaevolae seen previously do not figure prominently and they are not referred to as exempla. Instead, Cicero referred to Metellus, Marius, and Scaurus in particular and these references were far more elaborate and explicit in exemplarity than previously, attesting to Cicero's increased need for legitimation based on historical models of behaviour. As a consular, his political influence now rested less on formal magistracies and much more on the informal consular *dignitas*, which had suffered damage after his consulship, exile, and acceptance of the dynasts' power over him from 56 BC onwards. Cicero strove to prove that his exile was unjustified and his recall and return a triumph, through comparison with the fates of Metellus, Popilius, Opimius, Marius, and Themistocles, and he endeavoured to regain his political influence after his return by setting himself up as an optimate politician, in spite of his background as a *novus*, by referring to Scaurus' exemplum. His attempt was not overly successful, which was partly a result of the unfavourable political circumstances with Caesar, Pompey, and Crassus fighting to retain their dominance for which they needed Cicero's oratory, partly a result of the snobbishness of the *nobilis* politicians not inviting Cicero into their midst, and partly a result of the

¹⁷⁰ ORF⁴.

exaggerated trust Cicero placed in his own position and popularity, forgetting the speed with which political alliances and popular favour changed in Roman politics. After his capitulation to Caesar, Pompey, and Crassus, Cicero directed his energy towards advocacy and, in particular, towards literary studies, producing the *De oratore*, the *De republica*, and the *De legibus*.

THE ORATOR-STATESMAN OUTSIDE POLITICS

The *De oratore*, composed in 55 bc, was the first result of Cicero's literary studies after his return from exile and the lack of room for political manoeuvre. It was also his first rhetorical work since the *De inventione* written almost 40 years previously, and it differed greatly in content and style. The *De oratore* was not a rhetorical handbook, but a discussion of the ideal orator displayed in dialogue form. Cicero intended it to follow the manner of Aristotle's dialogues; he probably felt it a proper engine for his thoughts on the orator because it was lively, allowed the interlocutors to display some of the oratorical qualities discussed, and gave Cicero the possibility to relocate the setting from the present day to a less politically potent situation, and with a hand-picked cast.¹⁷¹ Indeed, Cicero took up the dialogue form in his two following treatises, the *De republica* and the *De legibus*. Cicero wrote the *De republica* shortly after the *De oratore*, in the autumn of 54 bc,¹⁷² and afterwards the *De legibus*. The composition date of the *De legibus* is unknown, but most scholars agree that it must have been written before Cicero's departure for Cilicia in 51 bc, even if not circulated, and most probably in connection with the *De republica*.¹⁷³ Cicero was clearly inspired by Plato's two works the *Republic* and the *Laws*, also set in dialogue, in his attempt to set a blueprint for the Roman state and its laws.

These three works have often been seen as Cicero's vent for his political views during this period, when he was largely without political influence. Indeed, Cicero managed to produce these three political dialogues in these years, in spite of his busy schedule as an advocate. In this period, he himself referred to Cato Maior as an exemplum of a statesman spending holidays and

¹⁷¹ Cic. *Fam.* 1.9.23 where Cicero argues for the Aristotelian inspiration. Cf. Cic. *Amic.* 3, where Cicero argues for the liveliness of the dialogue form. For a thorough discussion of Cicero's emulation of Aristotle and Plato in the *De oratore* see Zoll (1962); Fantham (2004) 49–77, 161–85; and a shorter version Narducci (1997b) 29–31.

¹⁷² Cic. *Att.* 4.16.2–3; *Q Fr.* 3.5.1–2.

¹⁷³ Rawson (1973b) 335–8. See also Schmidt (2001).

festivals on useful matters such as literary studies.¹⁷⁴ Gildenhard justly counters the view that Cicero in the second half of the 50s had withdrawn himself from public life and therefore had more time on his hands for intellectual studies.¹⁷⁵ However, it is worth making a distinction between, on the one hand, the erroneous view of Cicero's physical withdrawal from the political scene and resulting free time for studies and, on the other hand, the view that Cicero's decrease in political influence did not mean a decrease in public activity, as he was still very active in the courts. This latter situation resulted in little time for study but more incentive and need to air his views on the political situation through the medium of political dialogue. Perhaps it was exactly this need which made him work so hard on the dialogues in spite of his lack of time.

I labour the point of inspiration and setting because these two aspects contain elements of exemplarity as discussed under the general analysis of Cicero's choice of interlocutors. Cicero clearly looked to Plato's and Aristotle's works as literary models for the dialogue form and, to a certain extent, for the content of these treatises, as attested by several remarks in the *De legibus*.¹⁷⁶ He may not have presented Plato and Aristotle as his personal exempla in terms of motivations and achievements, but his acknowledgement of their writings as inspiration to his own does contain elements of exemplarity, because the mention of their works as stimulation provide a certain authority to Cicero's work.¹⁷⁷ The choice of interlocutors might present more mileage in that Cicero accorded much importance to this aspect, as highlighted in the analysis of Cicero's choice of interlocutors in the *De republica* and the *Academica*.¹⁷⁸

Crassus and Antonius

The setting of the *De oratore* is September 91 BC, when the political situation at Rome was in a crisis because of the actions of the tribune M. Livius Drusus.

¹⁷⁴ Cic. *Planc.* 66.

¹⁷⁵ Gildenhard (2007a) 51.

¹⁷⁶ Cic. *Leg.* 1.15, 2.14, 2.17 with references to the *De republica* as well.

¹⁷⁷ Cf. Plin. *HN praef.* 22: 'Cicero is honest: in *On the Commonwealth* he announces that he is Plato's companion' (*Tulliana simplicitate, qui De republica Platonis se comitem profitetur*); transl.: Zetzel (1999). See also Cic. *Att.* 12.40.2, 13.28.2 in which Cicero compares his letter of advice to Caesar with those of Aristotle and Theopompus to Alexander the Great (discussed in the section on Demosthenes in this chapter). For further discussion of Platonic and Aristotelian influences on Cicero's thoughts and works, see Powell (1995) 30; Long (1995a); Barnes (1997) 44–50 (with references), 270 (bibliography); Dugan (2005) 83–5.

¹⁷⁸ See the section 'Personal exempla' in Chapter 7.

The great orator L. Licinius Crassus gathers some friends at his Tusculan villa during the Roman games: M. Antonius the orator, the famous jurist Q. Mucius Scaevola Augur, the young and promising orators C. Aurelius Cotta and P. Sulpicius Rufus, and the half-brothers Q. Lutatius Catulus and C. Julius Caesar Strabo Vopiscus. Throughout the three books, these men discuss the elements of the ideal orator, his education, and his rhetorical tools. Crassus and Antonius lecture the others because they are recognized as the greatest orators in the company, whereas Scaevola, Catulus, and Caesar voice their opinions on particular subjects such as law, philosophy, or wit. In all three works, Cicero has his interlocutors use historical exempla to illustrate lessons and points of view, but the dialogue setting provides an extra layer between Cicero and the mention of exemplary individuals which makes it less straightforward to identify personal exempla of Cicero. It is therefore necessary to have a closer look at the interlocutors.

Cicero's choice of Crassus and Antonius is certainly meant to indicate their general exemplarity in oratory. In the preface to the second book of the *De oratore*, Cicero praises Crassus and Antonius for their almost universal knowledge of rhetoric, law, history, and Greek—a result of a very good and theoretical education.¹⁷⁹ Throughout the work they are singled out as extraordinary orators. Cicero relates further that his father, his great-uncle C. (Visellius) Aculeo, and his uncle L. Cicero told Cicero, his brother Quintus, and their cousins about Crassus and Antonius, in positive terms. Crassus' exemplarity seems also to be connected with his political outlook as he is described twice in the *De oratore* as *sapientissimus*, and similarly in the contemporary speech the *In Pisonem* and in the *De legibus* shortly afterwards. Furthermore, the preface to the third book has been interpreted as a political exemplum as well as a stylistic exemplum in that it leads on to Crassus' final political act.¹⁸⁰

Another question is whether Antonius and Crassus are presented as Cicero's personal exempla. As mentioned in the general discussion of interlocutors above, Crassus is clearly portrayed as a personal exemplum because of: first, the praise accorded to him in the dialogue; second, the proximity in educational background, views of training in oratory, and resulting oratorical

¹⁷⁹ Cic. *De or.* 2.1–3. Scholz (1963) 57 argues on the basis of the preface that Cicero wanted to portray Antonius and Crassus as the models for his own rhetorical education. Leeman *et al.* (1981) 90–6 find that in the aspect of education Cicero changed the historical Crassus and Antonius in order to make them closer to his ideal and a projection of Cicero himself. Gruen (1992) 264 finds Leeman *et al.* unduly sceptical. See Leeman *et al.* (1985) 186–9 for a discussion of Cicero's purposes with this preface.

¹⁸⁰ Cic. *De or.* 1.105, 3.82 with Rawson (1971) 85–6. Cic. *Pis.* 62 (55 BC): Crassus is *homo sapientissimus nostrae civitatis*; *Leg.* 3.42: Crassus is *sapientissimus*.

skills between Crassus and Cicero; and finally, because of the many other references outside the *De oratore* to Crassus' exemplarity for Cicero.¹⁸¹ A closer look here at these factors in the *De oratore* will help us to understand the development in Cicero's projection of personal exempla.

Starting with praise, the only passage in the *De oratore* in which Cicero discusses Crassus and Antonius explicitly is the preface to the second book, concerning Cicero's own experience of the two orators. Indeed, the structure of the treatise did not leave much space for Cicero to express directly his personal views of the two orators. However, the other interlocutors are made to praise Crassus and Antonius, often as a means to urge the two orators to share their oratorical experiences with them.¹⁸² When Crassus or Antonius speak, they occasionally praise each other for superb oratorical skills.¹⁸³ Antonius seems to argue that Crassus is unsurpassed and thereby a living exemplum, whereas Crassus answers Antonius' praise with a whole array of Antonius' exemplary deeds to show that Antonius is great too.

The second factor of proximity is represented too. As discussed previously, Cicero presents Crassus as an extraordinary orator trained not only in rhetoric, but also in history, law, and philosophy. Crassus, in fact, makes the case for the necessity of instruction in these branches of study since knowledge of these is indispensable in the formation of a good orator. Antonius, on the other hand, is made to argue that theoretical studies are unnecessary and only practical experience in the forum and lawcourts can equip the young man with the oratorical skills needed for a successful political and forensic career.¹⁸⁴ Both orators are made to refer to their own careers as examples to prove their points, even if Cicero in the preface to the second book makes it clear that Antonius was not as unfamiliar with theoretical studies as he argues in the dialogue itself.¹⁸⁵ Given that Cicero himself had enjoyed and excelled in his studies of history, law, and philosophy, besides rhetoric, and that he propounded necessity of such an all-round education for a good orator, Crassus is presented as closer to Cicero in educational background and their views on education than Antonius.

Considering the last factor of admiring references outside the work in question, we have already seen how Cicero referred to Crassus' and Antonius' brilliant oratorical skills and their statesmanlike qualities in the speeches predating the *De oratore*, and sometimes even categorized Crassus as an

¹⁸¹ See pp. 173–4.

¹⁸² Cic. *De or.* 1.96–8, 2.14.

¹⁸³ Cic. *De or.* 1.122–5. Cf. 2.188.

¹⁸⁴ Cic. *De or.* Book 2.

¹⁸⁵ Cic. *De or.* 2.1–6.

exemplum to himself. Crassus and Antonius were not new exempla in Cicero's storehouse, but recurrent historical figures presented as exemplary to others as well as to Cicero personally.

In these passages on Antonius' and Crassus' exemplary status, the boundary between the two layers of the dialogue becomes blurred. Cicero not only wants to describe his personal view of the ideal orator, but he wants to do it through a couple of his own models in oratory. Antonius and Crassus are not only made to voice some of Cicero's views but they are also exempla of the ideal orator themselves, creating a blurred or, perhaps, timeless, image when they refer to themselves and each other as living/historical exempla. They are both contemporary and past individuals at the same time.¹⁸⁶

The combination of the internal praise of Crassus and Antonius with Cicero's other references to their praiseworthy oratorical qualities and his choice of them as main interlocutors in his dialogue on the ideal orator is an indication that Cicero wants to present Antonius and, in particular, Crassus as exemplary orators to all aspiring politicians and as his personal exempla in oratory. This conclusion is supported by Fantham in her book on Cicero's *De oratore*: 'it can be said of both [Crassus and Antonius] that it was their oratory, rather than any political or military skills, which earned them the glory of high office. In this either man could serve as a precedent and model for Cicero's ambitions to achieve the consulship through his oratory alone.'¹⁸⁷ Similarly, Dugan argues: 'Cicero tries to solve this problem [lack of famous ancestors] by casting himself as the intellectual and cultural descendant of Crassus and other interlocutors in the dialogue, while asserting that his connection to this distinguished circle of *nobiles* was through his own familial kin.'¹⁸⁸ The case for Crassus rather than Antonius as a personal exemplum of Cicero would, in my opinion, still be stronger:¹⁸⁹ first, the level of praise for Crassus in the *De oratore* is higher than for Antonius; second, in terms of proximity, Cicero was around the age of Crassus in the *De oratore* when he wrote the dialogue. Cicero also makes Crassus say that he was

¹⁸⁶ For the relation between literary fiction and historical truth in the interlocutors of the *De oratore*, see Meyer (1970); Leeman *et al.* (1981) 90–6. Meyer (1970) 7, 47, and Leeman *et al.* (1985) *ad* Cic. *De or.* 1.15 find that Cicero speaks through the mouth of Crassus and idealizes Crassus in order to make him closer to Cicero himself. Meyer does not discuss whether Cicero regards Crassus or Antonius as role models for himself, rather, he argues that Cicero moulds Crassus and Antonius so as to illustrate Cicero's ideal of an orator.

¹⁸⁷ Fantham (2004) 48.

¹⁸⁸ Dugan (2005) 94, see 87–104 for more discussion. It should be noted, however, that Antonius' *nobilitas* seems not to be inherited but obtained by himself, if we are to accept the definition of Afzelius (1938) 91–4 of *nobilis* as including the first member of a family to become consul: Scholz (1963) 5, 51–2; Badian (1990) 388, and supported by Fantham (2004) 29.

¹⁸⁹ Scholz (1963) 94 comes to the same conclusion; see also Steel (2005) 73: 'it is Crassus, of the two main interlocutors, who seems to be closer to Cicero.'

thinking of writing a law code as Cicero himself proposed to do in the *De legibus* and apparently did do, although the work is not extant. Furthermore, the educational background and argumentation attributed to Crassus in the *De oratore* is much closer to Cicero's own than those of Antonius.¹⁹⁰ Indeed, Cicero does not exploit anywhere Antonius' *novitas* as foundation for Antonius' exemplarity to Cicero. Thus, Cicero seems to have thought about similarities with Crassus rather than with Antonius when he constructed the dialogue. These factors, combined with the outside references to Crassus in particular make it clear that Cicero presented Crassus, and to a certain degree Antonius, as his personal exempla in the *De oratore*.

Scipio and Laelius

In the *De republica*, Cicero did not want to discuss the ideal, but unattainable, state built up by Socrates in Plato's *Republic*, but rather the best possible state as built up by the *maiores*. To do this, Cicero enlists Scipio Aemilianus, his friends C. Laelius and Q. Mucius Scaevola Augur, and his young protégés C. Fannius, P. Rutilius Rufus, Q. Aelius Tubero, Sp. Mummius, L. Furius Philus, and M. Manilius during the Latin festival in 129 BC at the villa of Scipio, just days before Scipio died under mysterious circumstances.¹⁹¹ In the fragmented state in which the *De republica* has come down to us, Scipio and Laelius are the main interlocutors, while Philus gets his share of the attention in his discussion of justice in the third book. Given that the *De republica* was written shortly after the *De oratore*, the pair Scipio–Laelius seems paralleled in the pair Crassus–Antonius of the *De oratore*. Both pairs consist of two leading men of the state, friends in private, who discuss the issues closest to their heart—for Crassus and Antonius it was oratory, for Scipio and Laelius it was the *res publica*—just days before one of them dies and in the midst of a political crisis.

Cicero's choice of Scipio and Laelius as main interlocutors in the *De republica* was deliberate, as Cicero's discussion with Sallustius and Quintus emphasized.¹⁹² Of these interlocutors, Cicero had met Scaevola Augur and Rutilius Rufus, but they were well-known historical figures.¹⁹³ The portrait of

¹⁹⁰ Crassus was born in 140 BC and was thus 49 in 91 BC when the *De oratore* is set, while Cicero was born in 106 BC and thus was 51 in 55 BC, when he composed the *De oratore*. Cic. *De or.* 1.190; *Leg.* 1.13–15; Gell. *NA.* 1.22.7 (Cicero's lost *De Iure Civili in Artem Redigendo*, on which see Dyck (2004b) 91; Lintott (2008) 228, n. 50 thinks this could have been a lost book of the *De legibus*).

¹⁹¹ Cic. *Rep.* 1.14.

¹⁹² Cicero had insisted on his choice despite the suggestion of Sallustius to alter the interlocutors (Cic. *Q Fr.* 3.5.1); see my discussion in the section 'Interlocutors as personal exempla in general' in Chapter 7.

¹⁹³ Scaevola Augur and Cicero: Cic. *Amic.* 1; Rutilius Rufus and Cicero: Cic. *Rep.* 1.13.

Scipio in the *De republica* is that of a great statesman and not so much a great general, although his fame rested on his military exploits. Laelius is represented as the wise adviser to Scipio. In the course of the work, Scipio, in particular, is praised for his insights and views on the *res publica*:

SCIPIO: <whom> I have long been looking for and whom I am eager to reach. LAELIUS: Are you by any chance seeking the man of foresight? SCIPIO: The very one. LAELIUS: There is a fine supply of them among those present; you might even begin from yourself.¹⁹⁴

The man of foresight is the ideal statesman, the *rector rei publicae*, who can and will lead the *res publica* according to *mos maiorum*. In the search for this ideal statesman, Cicero makes Laelius point his finger at Scipio first and foremost. This clear voice-over from Cicero almost verifies that he has chosen the interlocutors of this dialogue not just as historical figures, but also as exempla of how Roman statesmen ought to be.¹⁹⁵

This view is supported when we look at Scipio as one among the interlocutors. Laelius, in the passage quoted above, points to the interlocutors at large when looking for an ideal statesman. In his introduction to the third book of the *De republica*, Cicero the author praises the interlocutors:

If anyone has thought to add learning and a fuller knowledge of affairs to the mental apparatus which he acquired through nature or civil institutions, such as the men who took part in the conversation recorded in this work, then everyone ought to consider them the best of all. What, after all, can be more glorious than the conjunction of practical experience in great affairs of state with the knowledge of these arts acquired through study and learning? What can be imagined more perfect than Publius Scipio or Gaius Laelius or Lucius Philus? In order to achieve the highest glory of great men, they added to the traditional knowledge of their own ancestors the imported philosophical knowledge of the Socratic school. [6a] The person who has had the will and capacity to acquire both—that is, ancestral institutions and philosophical learning—is the one who I think has done everything deserving of praise.¹⁹⁶

¹⁹⁴ Cic. *Rep.* 2.67 (transl.: Zetzel (1999)): '[quem] iamdudum quaero, et ad quem cupio pervenire.' 'Prudentum fortasse quaeris?' Tum ille: 'Istum ipsum.' 'Est tibi ex eis ipsis qui adsunt bella copia, vel ut a te ipso ordiare.'

¹⁹⁵ Argued also by Zetzel (1999), xii: 'Scipio emerges in Cicero's presentation as an ideal example of the successful fusion of public action and educated thought.'

¹⁹⁶ Cic. *Rep.* 3.5–6a (transl.: Zetzel (1999)): 'Quodsi quis ad ea instrumenta animi quae natura quaeque civilibus institutis habuit, adiungendam sibi etiam doctrinam et uberiores rerum cognitionem putavit, ut ei ipsi, qui in horum librorum disputatione versantur, nemo est quin eos anteferre omnibus debeat. Quid enim potest esse praeclarius quam cum rerum magnarum tractatio atque usus cum illarum artium studiis et cognitione coniungitur? Aut quid Publio Scipione, quid Gaio Laelio, quid Lucio Philo perfectius cogitari potest, qui, ne quid praetermitterent, quod ad summam laudem clarorum virorum pertineret, ad domesticum maiorumque morem etiam hanc a Socrate adventiciam doctrinam adhiberunt? (6) Quare qui utrumque voluit et potuit, id est ut cum maiorum institutis, tum doctrina se instrueret, ad laudem hunc omnia consecutum puto.'

Cicero does not attach the same importance to all his interlocutors. Q. Mucius Scaevola Augur, who appears in both the *De oratore* and the *De republica*, is not accorded much speaking time or praise.¹⁹⁷ By contrast, Scipio, Laelius, and Philus are singled out as 'more perfect' (*perfectiores*) because of their successful combination of theory and practice. This combination had also been emphasized by the interlocutor Crassus in the *De oratore* as necessary for becoming an ideal orator. The ideal orator feels the duty to use his talents on behalf of his state, and he is therefore getting very close to the ideal orator-statesman. Indeed it seems that Cicero is approaching his ideal statesman from two angles. In the *De oratore* Cicero lets Crassus describe and embody the importance of oratory as well as practical and theoretical knowledge for the orator-statesman, and in the *De republica* he has Scipio portray and represent the importance of political knowledge in both practice and theory for the statesman-orator.¹⁹⁸ In fact, the required education for these two types is strikingly similar in that it encompasses rhetoric, history, civil law, and philosophy, and Scipio and Laelius are presented as praiseworthy orators as well as political leaders in the *De oratore*.¹⁹⁹ Therefore, a combination of Crassus' oratory and Scipio's political talent seems to sum up the ideal statesman.

These passages from the *De republica* provide strong indications of Cicero's own opinion of Scipio, but would Scipio count as a personal exemplum of Cicero? Scipio is praised highly in the *De republica* by both Laelius and Cicero directly. There was not much proximity in their backgrounds as Scipio came from two very distinguished *nobilis* families and based his political career on military achievement, by contrast to Cicero's focus on oratorical performances. An exception to this difference in background could be in terms of education, if Scipio had as thorough an education as Cicero makes him advocate in the dialogue. Outside the dialogue, we have seen Cicero make references to Scipio's military successes and reputation as a great Roman general and politician in his speeches predating the *De republica*. These earlier references probably reflect the usefulness of referring to a well-known Roman exemplum rather than Scipio's personal exemplarity for Cicero. With these factors in mind, Scipio does not emerge as clearly as a personal exemplum as did Crassus. On the other hand, the praise in the *De republica*, the role and

¹⁹⁷ For Cicero's reasons for not including Scaevola Augur more in the discussions see Harries (2006) 109: 'The isolation of Scaevola from serious bruising in the argument is partly due to Cicero's respect for his former teacher, but it is also an indication of Cicero's wish to avoid polemic on the subject of jurisprudence in general.'

¹⁹⁸ Crassus exemplary: Cic. *Leg.* 3.42.

¹⁹⁹ Education: Cic. *Rep.* 1.33; 1.35–6; 3.5; 5.2b. *Leg.* 1.58–62. Scipio and Laelius exemplary orators: Cic. *De or.* 1.58, 1.215, 1.255, 2.290, 3.28, 3.56, 3.87, and exemplary political leaders: *De or.* 1.210–11, 2.154.

opinions accorded to Scipio, and Cicero's insistence on the choice of Scipio and Laelius as interlocutors in the dialogue, suggests that Scipio was more than simply a convenient historical exemplum to illustrate Cicero's views on the state. Indeed, given that Cicero wanted to portray himself as the ideal statesman in both theoretical works and speeches in this period, this identification of Scipio as the ideal statesman suggests that Cicero regarded Scipio as a personal exemplum in terms of his political views and actions. Taking the *De oratore* and the *De republica* together, Cicero seems to present both Crassus and Scipio as personal exempla for particular aspects—Crassus for his oratory, Scipio for his statesmanlike views and action—the combination of which was embodied in Cicero himself.²⁰⁰

The other two interlocutors singled out in the passage quoted above, Laelius and Philus, also get specific attention. Philus is set up by Laelius as 'the only true example of ancient honesty and faith' (*unicum exemplum antiquae probitatis et fidei*), whereas Laelius gets his share too, in Scipio's praise of Laelius' oratory.²⁰¹ But the exemplarity of Philus and Laelius is not as dominant as that of Scipio in the *De republica*. Focusing on Laelius, the internal praise for him fulfils the first factor in the checklist for personal exempla among Cicero's interlocutors. In terms of proximity, Laelius' background and political career is closer to Cicero's than that of Scipio because Laelius was the son of a *novus*, although Cicero does not make a point of this in the *De republica*, and because Laelius provided the civil counterpart to military leaders of the state, as Cicero wanted to do himself, especially during and after his consulship.²⁰² Indeed, outside the dialogue, we have seen Cicero proposing to play Laelius to Pompey's Scipio and furthermore suggesting 'Laelius' as his alias in confidential letters to Atticus.²⁰³ Finally, Cicero also described Laelius as an outstanding orator, well versed in philosophy, and a great statesman in the contemporary *De oratore*.²⁰⁴ This suggests that Cicero wanted to promote Laelius as a personal exemplum and in particular Laelius' general political and philosophical wisdom and his advisory role as exemplary. Philus, on the other hand, is not presented as a personal exemplum since the praise for him in the *De republica* is not paralleled in references outside the dialogue and his background as *nobilis* and Stoic is not presented as close to that of Cicero.

The interlocutors of the *De legibus* are Cicero himself, his brother Quintus, and Cicero's close friend and Quintus' brother-in-law, T. Pomponius Atticus,

²⁰⁰ Gelzer (1969b) 190–1, 216 clearly thought this was the case.

²⁰¹ Philus: *Cic. Rep.* 3.8; Laelius: *Rep.* 3.42a.

²⁰² Astin (1967) 81; Badian (1990) 380 with reference to *Cic. Phil.* 11.17.

²⁰³ *Cic. Fam.* 5.7.3; *Att.* 2.19.5, 2.20.5.

²⁰⁴ *Cic. De or.* 1.58, 1.211, 1.215, 1.255, 2.154, 2.341.

who meet in Cicero's and Quintus' family home in Arpinum. In this dialogue, Cicero allows himself, his brother, and Atticus the roles of interlocutors, with the implication of a more direct connection between the views of the author and those expressed by the interlocutor. Another implication is the candid selection of himself and those closest to him as the most suitable discussion partners on the topic of law. Does that entail that they were themselves experts on law and matters of the state? Dyck implies in his commentary on the *De legibus*, that Cicero chose himself, Quintus, and Atticus as interlocutors as a kind of response to Sallustius' critique of his choice of interlocutors in the *De republica*. Instead of changing the interlocutors in the *De republica*, Cicero redesigned the work and decreased the number of books from nine to six, leaving the rest of the content matter (the laws) to be discussed in a complementary work, the *De legibus*. In the latter work, Cicero could make references to more recent events through his interlocutors, and still keep his *De republica* as planned.²⁰⁵ This seems a possible explanation for Cicero's choice of interlocutors in the *De legibus*, but it does not diminish the strength of the hypothesis that Cicero, Quintus, and Atticus should be seen as all expressing Cicero's own political views and that they are presented as exemplary statesmen.²⁰⁶ The issue of Cicero's own exemplarity will be explored further in Part IV.²⁰⁷

Preliminary conclusion

Cicero channelled a great deal of his energy into these three works in order to expound and develop his views on the ideal orator and the best possible state run by good statesmen and governed by laws. As an experienced orator and politician he thought himself in a good position to compose such works. He might have hoped for a wide readership, at least of the *De oratore* and the *De republica*, and these works were probably circulated among the intellectual and political elite in Rome.²⁰⁸ It seems reasonable to take Cicero's presentation of historical and personal exempla as directed at an audience within the upper class in Rome.

The most dominant personal exempla of Cicero seem to have been the main interlocutors in the *De oratore* and the *De republica*. Crassus and Antonius were praised in the *De oratore* for their oratorical skills and learning, both internally in the text and externally by Cicero, and they were set up as

²⁰⁵ Dyck (2004b) 9–10.

²⁰⁶ Steel (2005) 79 hints at this thought as well.

²⁰⁷ See the section 'Statesman' in Chapter 9.

²⁰⁸ Leeman *et al.* (1981) 23–5.

exempla of ideal orators. Considering Cicero's early and close encounters with Crassus and Antonius, his general praise through his choice of them as interlocutors and within the text, the presentation of proximity in educational background and outlook with Crassus in particular, and the many references to the pair of them outside the dialogue, it seems likely that Cicero wanted to present them as his personal exempla, especially Crassus. If his audience were to understand Cicero as following the models of the two great orators, and being the Crassus and Antonius of his generation, Cicero would have strengthened his public persona significantly as the greatest living Roman orator.

Important for the image of the ideal orator was the combination of political outlook, as acquired through a broad education, and oratorical skills. One of the messages in the *De oratore* was that it was possible to mend the old split between the philosophers and rhetoricians, discussed by the Greeks, by adding morality through education to rhetorical training. Crassus was presented as the exemplum of such a successful mending, 'the wisest and most eloquent man of all' (*homo omnium sapientissimus et eloquentissimus*); Cicero clearly strove to make the reader think of himself as such an exemplum as well.²⁰⁹

Cicero approached this problem from the political angle in the *De republica*, where Scipio and Laelius were presented as wise statesmen understanding the workings of the state and the best possible way forward. As such, they serve as examples of the fact that Roman politicians should strive to work for the best interests of the state. Cicero could have chosen other exempla, for example Scaurus or Catulus, or indeed himself and friends as suggested by Sallustius. Therefore, the choice of Scipio and Laelius indicates that they had a special meaning for Cicero and his expected audience. Cicero clearly wanted his audience to think of him as a follower of the models of Scipio and Laelius. In combination, Cicero could be seen as standing on the shoulders of both Crassus–Antonius and Scipio–Laelius, uniting oratorical brilliance with political insights and a proper moral standing. Indeed, the decision to place himself with Quintus and Atticus as interlocutors in the *De legibus* points to such an interpretation. For this image to work, Cicero presented in more or

²⁰⁹ Cic. *De or.* 1.105 (transl.: May & Wisse (2001)). On Cicero's implicit references to his own exemplarity in the *De oratore* see Dugan (2005) 80–1: 'Cicero uses the dialogue's various personae to articulate different aspects of his own persona. It is within the polyphonous framework of the work that Cicero is able to articulate an aesthetic that is distinctly Ciceronian, while he uses the *auctoritas* of his interlocutors to defend aspects of his own oratorical persona.' On Cicero's aims to mend the split between philosophers and rhetoricians see Wisse (2002a) 361–4 and Wisse (2002b) 389–96. Cicero's projection of his own exemplarity will be taken up in Part IV.

less subtle ways Crassus, Antonius, Scipio, and Laelius as personal exempla for himself in his career.

It is remarkable, but perhaps unsurprising, that Cicero made little reference to exempla of *homines novi* or his own *novitas* in these works. In speeches delivered in this period, as well as in earlier speeches, Cicero did refer to his own *novitas*, as discussed in the previous sections. Among the chosen interlocutors, Cicero could have dwelled on the backgrounds of Antonius and Laelius, which were less distinguished; the highest office obtained by any of Antonius' ancestors seems to have been that of *tribunus plebis*, and Laelius was the son of a *novus* consular.²¹⁰ However, Cicero did not draw attention to these facts. Similarly, in earlier references to Antonius and Laelius, Cicero had also chosen to focus on their oratory or statesmanlike roles rather than their backgrounds. There were examples of great orators and great statesmen among past *novi* whom Cicero could have used, Cato Maior being the most obvious, but he chose not to refer to any such, except for the initial mention of Cato as *novus* in the *De republica*.²¹¹ Cicero's later use of Cato as interlocutor in the treatise *De senectute* shows that Cato was a possible figure to employ, but perhaps Sallustius' advice of bringing the dialogue on the state closer to Cicero's own time played a part.

Cicero's avoidance of the theme of *novitas* indicates that he thought it irrelevant for these treatises on the ideal orator, the best state, and its laws. Indeed, most references to *novi* appear in Cicero's speeches, but the lack of any treatises before the *De oratore* (besides the early *De inventione*) makes it difficult to conclude that the theme of *novitas* was unsuitable for theoretical treatises in principle, although in reality it might have been the case. The letters are also hard to evaluate at this stage. Cicero may have judged that his claim to political influence through intellectual discussions of the ideal orator and the state in which he could perform would be more potent when supported by exempla of *nobiles* or men not portrayed as *novi*, since such intellectual pursuits were seen to form part of the lifestyle of upper-class politicians and Cicero was trying to appeal to the more conservatively inclined politicians in this period. The sharp distinction between references to his *novitas* in his speeches of the 50s BC and near avoidance of such references in these treatises is a fact not to be overlooked and probably to be linked to the themes explored in either sets of evidence.

²¹⁰ Scholz (1963) 5, 51–1; Astin (1967) 81; Gruen (1968) 129; Badian (1990) 380 with reference to Cic. *Phil.* 11.17, and 388.

²¹¹ Cic. *Rep.* 1.1, discussed in the section '*Homines novi* as exempla' in Chapter 7.

Similarly, the difference between the personal exempla explored in the speeches and letters of the 50s BC on the one hand and the treatises on the other is marked: the exempla of unjustly exiled politicians such as Metellus, Popilius, Opimius, Marius, and Themistocles hardly appear in the treatises, and the exemplary orators and statesmen Crassus, Antonius, Scipio, and Laelius are almost absent from the speeches. Part of the explanation for this difference must be sought in the timing of these groups of works. The speeches delivered shortly after Cicero's return from exile served to promote Cicero's version of the story in order to reclaim his political influence. Even after his capitulation to the dynasts, he had to reassert his point through letters and speeches. The treatises, however, came at a point when Cicero had accepted defeat to the power of the dynasts and these works therefore functioned as a vent for his pent-up views on the *res publica*. These treatises do not act directly as self-defences of Cicero's execution of the Catilinarians or his decision to go into exile, but rather as his vision of a state in which good orator-statesmen as himself would not have to defend their wise political decisions and go into exile on unjust grounds. In this way, the treatises provide a different medium through which Cicero can air his views, and his choice and employment of personal exempla reflect this.

Cicero had already used Metellus Numidicus and the other exiles as exempla of just that when he sat down to write his dialogues. Therefore, he might have thought it would blur the message to include Metellus who was otherwise a relevant exemplum of a statesman too. Conversely, Crassus, Antonius, Scipio, and Laelius were not relevant exempla of exiles and were free to be taken up in the treatises. Another reason for the sharp distinction between personal exempla employed in speeches and letters as opposed to treatises is likely to be Cicero's intended audience and the subject matter. As we saw in the general discussion of historical exempla in the various genres of Cicero's oeuvre, audience and subject matter influenced Cicero's usage of exempla. Likewise in these works of the 50s BC; when Cicero addressed the Senate, the courts, and the people, he drew on particular individuals in order to make an immediate impression and thus sway the audience. When he wrote for an intellectual elite, he could afford to develop his figures and viewpoints in longer stretches and add subtle hints of exemplarity through his interlocutors. In this way, Cicero's personal exempla form a central part in his attempts to reclaim political power in the 50s BC. The stark difference between the exempla in the speeches and letters on the one hand and in the treatises on the other hand reflect a change in Cicero's circumstances and his resulting decision to find new ways of expressing his views.

IN THE MOULD OF SCAEVOLA: CICERO IN CILICIA

In 51 BC, Cicero reluctantly left Rome to take up the post as proconsul of the province Cilicia (south-east coast of modern Turkey) as a consequence of Pompey's *lex de provinciis* which dictated a ten-year gap between consulship and proconsular command. In spite of his reluctance, Cicero tried to live up to his own high principles for provincial governorship and he thought that he served both Rome and the province well in financial, legal, and military terms. After exactly a year in his province, he thought his duty fulfilled and returned to a Rome on the brink of civil war. War broke out in early 49 BC between the camps of Caesar and Pompey, and Cicero was wavering between the two sides until finally deciding for Pompey. He went to Greece with the Pompeians but bitterly regretted it even before Pompey's death in 48 BC, after which Cicero returned to Italy in hope of a pardon from Caesar who had made himself dictator.

In this period, Cicero did not have time to write theoretical works, nor do any speeches of his survive (and we know of only a few). Instead we have a number of letters both from his time in Cilicia and from the civil war, which will be analysed with regard to possible personal exempla.²¹² As with his letters in general, Cicero did not employ many historical exempla or personal exempla in his proconsular correspondence, yet the personal exempla he does include are significant for his presentation of his proconsular conduct to friends and political allies and therefore for his public persona.

It was customary for a governor to issue an edict for his administration of the province. For his edict, Cicero decided to take that of Q. Mucius Scaevola Pontifex as the model: 'I have followed many of Scaevola's provisions' (*multaque sum secutus Scaevola*).²¹³ Cicero had been taught by Scaevola and it was probably during this period of tutelage that Cicero learnt of the edict and its legal aspects. Furthermore, Scaevola's short governorship of Asia (nine months) was a convenient model for Cicero in his wish for a speedy return to Rome.²¹⁴ This could indicate that Cicero took Scaevola as his personal exemplum, at least in terms of provincial government. Indeed, Cicero had already in 54 BC referred to Scaevola's edict as exemplary.²¹⁵ However, Cicero's reference to Scaevola as an exemplum of a provincial governor could also be read as a political statement in that Scaevola seems to have become a byword

²¹² The letters are found in Book 5–7 of Cicero's letters to Atticus and in various books of Cicero's letters *ad familiares*. See the helpful collection of Treggiari (1973).

²¹³ Cic. Att. 6.1.15 (50 BC from Cilicia). See also Marshall (1964) 189, n. 8; Harries (2006) 23, 103.

²¹⁴ Cic. Att. 5.17.5.

²¹⁵ Cic. Fam. 1.9.26.

for successful provincial government, at least from 70 BC onwards.²¹⁶ Perhaps, Cicero's decision to follow Scaevola's model should be seen as a combination of both political and personal aspects. It is unclear how many people would have known of Cicero's choice of model, besides Atticus, his correspondent, and probably Quintus. Certainly, Cicero could have boasted of his learned way of composing an edict, and he was clearly proud of his judicial activities in Cilicia, but people in Rome were likely to be indifferent to these details.²¹⁷

During his year in Cilicia, Cicero fought a small battle against local peoples of the mountains, for which he later tried to receive a triumph. Indeed, he was saluted *imperator* by his soldiers, as we hear in a letter to Atticus from December 51 BC, and a letter to Caelius Rufus from November. To Atticus, Cicero writes: 'I received the title of general from the army. For a few days we encamped near Issus in the very spot where Alexander, a considerably better general than either you or I, pitched his camp against Darius.' (*imperatores appellati sumus. castra paucos dies habuimus ea ipsa quae contra Darium habuerat apud Issum Alexander, imperator haud paulo melior quam aut tu aut ego.*)²¹⁸ Caelius Rufus received a variation on the same theme: 'So in due recognition of a victorious campaign I was saluted Imperator at Issus, where, as I have often heard you say, Clitarchus told you that Darius was defeated by Alexander.' (*ita victoria iusta imperator appellatus apud Issum, quo in loco, saepe ut ex te audiui, Clitarchus tibi narravit Dareum ab Alexandro esse superatum.*)²¹⁹ Cicero reminds Atticus of Alexander's previous presence in the same spot and humbly puts Alexander in a different league from Cicero and Atticus. Cicero also reminds Caelius of Alexander's victory over Darius, but he omits to distance his own military achievements from those of Alexander. Thereby, the reminder serves to plant a comparison between Cicero and Alexander in Caelius' mind, but perhaps less for reasons of self-aggrandisement

²¹⁶ Cic. *Div. Caec.* 57; *Verr.* 2.2.27, 2.2.34, 2.3.209: the wording suggests that Scaevola was a generally accepted exemplum of a good provincial governor, because Cicero does not explain in detail who Scaevola was; he simply mentions Scaevola with the assumption that the audience knew of him as well. Besides Cicero, Diodorus Siculus (37.5–8) attests to Scaevola being regarded as an exemplary governor, and followed by a certain L. Asyllius, who is probably to be identified with L. Sempronius Asellio, governor of Sicily in the 90s BC; cf. *MRR* II, 10, note 3. This suggests that Cicero was not the first or only governor to take Scaevola as his personal exemplum. However, Cicero does not mention Asellio in his *Verrine* speeches even if Asellio was appropriate not only as a follower of the exemplary governor Scaevola, but also as a governor of Sicily. Cf. Val. Max. 8.15.6 and further evidence in Münzer (1933) 438–9. Scaevola was honoured by the provincials themselves (see *RE Q.* Mucius Scaevola 22), a sign of his exemplary behaviour while proconsul.

²¹⁷ Cicero's pride: Cic. *Att.* 5.21.5–6, 6.2.4–5, 6.3.3.

²¹⁸ Cic. *Att.* 5.20.3.

²¹⁹ Cic. *Fam.* 2.10.3.

and more as a joke. It is clear to Cicero and his correspondents that in terms of generalship, he is far away from Alexander's greatness.²²⁰

In the civil war, Cicero was very much in doubt about what to do and whom to follow.²²¹ However, he was not in doubt that he and others should avoid the negative exemplum of Sulla and Sulla's bloody return to Rome. Pompey had indeed likened himself to Sulla and made threats of proscriptions, whereas Caesar tried to distance himself from Sulla's exemplum, but Cicero still saw parallels.²²² But which exemplum to follow then? Cicero reminds himself of the words of Scaevola Pontifex during the civil wars of the 80s BC that he foresaw his fate by staying in Rome, but preferred it to marching with an army against Rome.²²³ On the other hand, he declares that he would rather die honourably in exile like Themistocles than in his bed like Sardanapalus, the Assyrian king, even if Themistocles had misjudged the situation. Likewise Scipio and Marius had made miscalculations but they were still to be followed as exempla for their uprightness.²²⁴ In this passage, Cicero presents Themistocles as a personal exemplum for acting admirably in spite of the negative consequences. Cicero clearly wished to follow exempla and thought he had done so when following Pompey to Greece, but he still returned to Italy after Pompey's death.

During these unstable years, Cicero was very conscious of his public persona, hence the many letters from Cilicia and his many deliberations as to his conduct in the civil war. However, there seems to have been no perfect historical exemplum to set up as his personal model in general. He avoided the exemplum of Marius, the experienced and successful Roman general and proconsul. Only in certain cases such as the edict or his military activities in Cilicia could Cicero point to specific exempla. The reason for the near lack of

²²⁰ For Alexander as a non-Roman exemplum in Cicero's works, see discussion in the section 'Demosthenes' in this chapter. Pompey Magnus and Caesar were also compared with Alexander (Pompey's epithet may be read as a reference to Alexander, Plut. *Pomp.* 2; Plin. *HN.* 7.95–6, 8.4; Sall. *Hist.* 3.84; App. *Mith.* 117; *B Civ.* 2.149–54; Plut. *Caes.* 11; Cic. *Arch.* 24; *Att.* 2.13.2, 12.40.2, 13.28.3). For discussion see Gelzer (1949) 59, 84, 107, 134; Michel (1967); Weinstock (1971) 37, 86–7, 188; Weippert (1972); Green (1978); Leach (1978) 31, 32, 53, 223; Yavetz (1983) 101; Steel (2001) 154–6. Green (1978) argues against the view that Caesar imitated Alexander, and Martin (1998) against Pompey imitating Alexander.

²²¹ See the excellent analysis by Brunt (1986).

²²² Cic. *Att.* 9.7C.1 (Caesar on his own intentions), 9.10.2–6 (Pompey), 9.11.3 (Pompeians), 9.14.2 (Caesar's right-hand man Balbus about Pompey), 9.15.2 (Caesar), 10.7.1 (Pompey), 11.21.3 (Caesar). Cicero implicitly associated Caesar with Sulla's enemy, Cinna, as well: Cic. *Att.* 8.3.6, 9.10.3.

²²³ Cic. *Att.* 8.3.6.

²²⁴ Cic. *Att.* 10.8.7. Cicero made use of Themistocles' exemplum several times in his deliberations over which position to take in the early months of 49 BC: Cic. *Att.* 7.11.3, 9.10.3, 10.8.4. A Greek exemplum was nothing out of the ordinary in Cicero's letters to Atticus. See also the discussion of Themistocles' exemplum in the section 'Themistocles and other Greek exiles' in this chapter.

presented personal exempla cannot have been the lack of potential historical exempla given the many proconsuls and civil wars in Rome's history. Perhaps the reason lies more in the fact that we do not have any speeches or treatises from Cicero's hand in which he could elaborate on his exempla. Indeed, this lack of personal exempla might be an expression of the significantly lower number of historical exempla in general in Cicero's letters compared to other genres, a fact highlighted in the general analysis above.²²⁵ On the other hand, many of Cicero's letters from Cilicia are addressed to political friends and to the Senate to whom Cicero strove to display a persona of a good and dutiful governor. Historical exempla would have facilitated this display, as they had done in other more elaborate letters of Cicero. Did Cicero simply find his own proconsular conduct singularly virtuous? Or was he more preoccupied with living up to his own previously expressed views on good proconsular behaviour, found in the *Verrine* speeches, the *Pro Flacco*, his first extant letter to his brother Quintus, and the *De republica*, than with living up to a historical exemplum?²²⁶

THE RESPONSE OF AN INTELLECTUAL

Caesar won the civil war, made himself dictator and thereby controlled Roman politics. Cicero received his pardon, but could not return to his previous political position because of his earlier Pompeian sympathies, the general paralysis of the political system, and his own disgust at Caesar's dominant political position. When he spoke in public, and this was a rare event, it was in favour of Caesar or as defence advocate in the speeches *Pro Marcello*, *Pro Ligario*, and *Pro rege Deiotaro*. None of these display any hints as to Cicero's personal exempla, and the focus will therefore not be on these speeches. Instead, Cicero's literary production, rhetorical and philosophical treatises, of this period will be examined, together with his letters.²²⁷ These two genres provided Cicero with an outlet for his thoughts during these difficult years.

Cicero wrote the *Brutus*, the *De optimo genere oratorum*, the *Orator*, and probably the *Partitiones Oratoriae* in 46 BC, with the *Topica* following two years after. These rhetorical treatises were mainly concerned with the ideal orator

²²⁵ See the section 'The importance of genre' in Chapter 6.

²²⁶ Cic. *Q Fr.* 1.1. References to the ideal set-up in *De republica* crop up in letters to Atticus from Cilicia: *Att.* 6.1.8, 6.6.2, 7.3.2.

²²⁷ For analyses and discussion of these later works of Cicero see Gelzer (1969b) 265–75, 284–7, 293–315; Bringmann (1971).

seen from various angles. The *Brutus* is a dialogue between Cicero, Atticus, and the young orator M. Junius Brutus, in which Cicero develops a history of Roman orators, going back to Greek orators and philosophers as well. Atticus' place in the dialogue could be explained as a tribute to his work *Liber Annalis*, which recorded magistrates, laws, and families throughout the centuries, and to his wide historical knowledge. Brutus, to whom this work is dedicated, was important too, as he was one of the main proponents of the 'Attic' style as opposed to the 'Asiatic' style allegedly followed by Cicero.²²⁸ The question of 'Attic' versus 'Asiatic' style forms the background of the *Orator*, written some months after the *Brutus*. This epistolary treatise addressed to Brutus had the stated purpose of delineating the ideal orator, to a large extent in terms of his style, but all aspects of oratory are touched upon.²²⁹

Most of Cicero's philosophical works were written in the short span between February 45 BC and the summer of 44 BC. The dating of the *Paradoxa Stoicorum* is disputed, but it is possible that it was written during 46 BC.²³⁰ The overall purpose with the majority of these works was to expound to the Romans the doctrines of the Greek philosophical schools in Latin, with the explicit aims of enhancing the glory of the Roman state, teaching the young men philosophy in order to keep them on solid moral ground, substituting Cicero's curtailed political activity, and, finally, consoling him in his sorrow after the death of his daughter Tullia.²³¹ Through dialogues, except in the case of the *Paradoxa Stoicorum*, Cicero strove to fulfil these four purposes. Some of the dialogues were set between deceased interlocutors sometimes with a literary version of Cicero (*Academica posteriora*, *De finibus*, *De natura deorum*, *De senectute*, *De amicitia*), others between 'Cicero' and contemporary intellectuals at the time of composition (*Academica Priora*, *De divinatione*, *De fato*). The interlocutors of the *Tusculanae disputationes* remain a mystery, except that it is generally agreed that the main speaker expresses the view of Cicero.²³²

²²⁸ On the composition, content, and purpose of the *Brutus* see Gowing (2000); Vogt-Spira (2000); Steel (2003).

²²⁹ Steel (2005) 131 argues that these two treatises 'enable Cicero to create for himself a genealogy for his participation in public life, since the characters in them are usually active politicians; these groups stand for his (missing) familial heritage, and at the same time bolster his own intellectual interests by demonstrating that they have been the pastime of the elite for a century and more.'

²³⁰ These philosophical works are the *Paradoxa Stoicorum*, *Academica Priora* and *posteriora*, *De finibus bonorum et malorum*, *Tusculanae disputationes*, *De natura deorum*, *De senectute*, *De divinatione*, *De fato*, and *De amicitia*. Dating of the *Paradoxa Stoicorum*: Narducci (2002b) 429.

²³¹ Cic. *Nat. D.* 1.7, 1.9; *Div.* 2.4; *Acad. post.* 11.

²³² Gildenhard (2007a) 21–34. Gildenhard (2007a) 28, n. 93 rejects any Ciceronian intent with the initials 'M.' and 'A.' as they are insertions by scribes in late antiquity and therefore not of Cicero's invention.

With these works, it is less easy to find literary precedents for the form than it was for the *De oratore*, the *De republica*, and the *De legibus*. Cicero favoured the dialogue form in his philosophical treatises, the *Brutus*, and in a simplified way the *Partitiones Oratoriae*, and the inspiration from Plato's dialogues is visible.²³³ However, given that the dialogues of the *Brutus* and the *Partitiones Oratoriae* are populated by Cicero himself, Atticus, Brutus, and Cicero's son, Marcus, as interlocutors, it seems less fruitful to look for personal exempla among these dialogue partners (and addressees), whereas the interlocutors of the philosophical treatises will be considered below. The epistolary treatise, the *Orator*, and the professed function of the *De optimo genere oratorum* as preface to a translation are more difficult to pin down. The *Topica* seems to have been inspired by Aristotle's *Topica*, but it is quite different from Aristotle's treatise.²³⁴ In terms of content, Cicero was clearly inspired by the Greek rhetoricians and philosophers writing on these subjects, but it does not seem reasonable to argue that Cicero wanted to present Plato and Aristotle as personal exempla. In Chapter 6, we observed that number, choice, and usage of general historical exempla in the treatises differed from that of the speeches and letters and also between the various treatises.²³⁵ This pattern is repeated for the personal exempla in the treatises of the 40s BC, where we find the strongest clues to personal exempla in the choice of interlocutors (as with the treatises of the 50s BC), a resulting variety in the number of personal exempla between dialogues and non-dialogues, and a more elaborate use of the Greek exemplum of Demosthenes.

Interlocutors as personal exempla

The question of the choice of interlocutors as an indication of Cicero's personal exempla is also of interest in these works. We have already seen how Cicero changed the set-up of the *Academica* from Catulus, Lucullus, and Hortensius to Varro and himself. Neither the first set of interlocutors nor the latter seem to have been personal exempla of Cicero as both sets were chosen out of a sense of obligation on Cicero's part to honour these great Romans rather than a wish to be seen to emulate them.²³⁶ The exemplarity of these interlocutors was still there, as the praise of them illustrates, but it seems to

²³³ See the discussion of inspiration in Powell (1988) 5–9.

²³⁴ Reinhardt (2003) 3–17.

²³⁵ See the section 'The importance of genre' in Chapter 6.

²³⁶ For the discussion of the interlocutors in the *Academica* see the section 'Interlocutors as personal exempla in general' in Chapter 7. Cicero's dedication was a reply to Varro's promise to dedicate his treatise *De Lingua Latina* to Cicero: Cic. *Fam.* 9.8. Cf. *Att.* 13.12.3.

have been a more general exemplarity and one of less importance than the obligations to praise these people. This interpretation would explain the fact that the works do not hint at any wish on Cicero's side to take these interlocutors as his personal exempla. The same could be said about the interlocutors of the *De finibus* and the *De natura deorum*.²³⁷

Shortly after the *De natura deorum*, Cicero composed the *Cato Maior De senectute* and the *Laelius De amicitia*, and it is clear that he saw these two works as belonging together.²³⁸ He dedicated both works to Atticus, as a tribute to their friendship, and the choice of interlocutors in these treatises formed a special relationship.²³⁹ In the *De senectute*, Cato Maior (234–149 BC) explains to the young Scipio Aemilianus and C. Laelius the aspects of old age from self-experience. The dialogue is supposed to have taken place in 150 BC, when Cato was 84, Scipio 35, and Laelius 36 years old. In the *De amicitia*, Q. Mucius Scaevola Augur recounts a discussion between his father-in-law C. Laelius, himself, and C. Fannius who was also a son-in-law of Scaevola. Laelius expounds upon his close friendship with Scipio Aemilianus. In both works, it is clear that Cato and Laelius, together with Scipio, stand as exemplary men embodying the right way to live in old age, and the best kind of friendship respectively. Their exposition is meant as an ideal to which one can compare one's own conduct in old age and in friendships. Taken together, the *De senectute* and the *De amicitia* span four generations: Cato–Scipio and Laelius–Scaevola–Cicero as student of Scaevola, and this four-link chain is even expanded in both directions in that Cato refers to past examples and that Cicero, the author, publishes these works partly to teach the younger generations about these matters.²⁴⁰ The set-up itself lends weight to the idea of teaching the continuing generations about the right conduct. Cicero himself argues for his choice of interlocutors:

... so, bearing in mind the tradition of the memorable friendship between Laelius and Scipio, it seemed to me that Laelius was an appropriate character to talk about friendship, in those very terms which Scaevola remembered from the conversation

²³⁷ Cic. *Nat. D.* 2.168, 3.5. Cic. *Fin.* 5.1–6. For a brief introduction of the interlocutors of the *De finibus*, see Annas (2001) xv–xvi. One of these was Cato Minor, whose constancy Cicero admired: *Off.* 1.112, although he realized that he could not live up to such a constancy himself and justified to others the fact that he was alive: Cic. *Fam.* 9.18.2, 4.13.2 with Griffin and Atkins (1991) 44, n. 2 and Dyck (1996) *ad loc.*

²³⁸ Cic. *Amic.* 4, 11. Zetzel (1972) 177 does not think so, but Powell (1988) 1–2 with note 4 and Powell (1990) 7–8 does. Indeed, Cicero refers to the *De senectute* in the *De amicitia*. Thus, even if both works were not conceived as a pair, Cicero clearly saw a connection between them when he composed the *De amicitia*.

²³⁹ Dedication: Cic. *Amic.* 4–5; *Sen.* 1–2.

²⁴⁰ See Steel (2005) 111 on the set-up of *De amicitia*: 'the frame confirms Cicero's own place within this network'.

with him. This type of dialogue, grounded in the authority of eminent men of past generations, seems somehow to carry more weight; and indeed, I sometimes get the feeling, when I read my own work, that it is Cato who is speaking, not myself.²⁴¹

The dialogue was certainly intended to be lively and credible, but also compatible with Cicero's views. In the introduction to the *De senectute*, Cicero states that he is expressing his own views on old age through the mouthpiece of Cato, consciously misrepresenting Cato in order to make the image fit.²⁴² The general image of Cato as a stern defender of the *res publica* against all things Greek and a frugal farmer harking back to the morals of the old days is referred to in this work.²⁴³ However, a very different and more balanced picture of Cato also emerges. In the *De amicitia* his experienced wisdom is praised and compared to the more intellectual wisdom of Laelius. But as Scipio and Laelius were chosen because of their exemplary friendship, Cato might also have seemed an obvious choice to embody the good old age. Indeed, throughout the *De senectute* Cato praises his own wisdom and way of not only coping with but actually enjoying his old age.²⁴⁴

Three features of Cato's old age appear to have had special importance to Cicero. Cato is praised for his dignified reaction to his son's death in both the *De senectute* and the *De amicitia*.²⁴⁵ Second, Cato emphasizes that one of the advantages of old age after a long and active life in the service of the state is the respect and influence enjoyed.²⁴⁶ Lastly, Cato argues that he entertains himself by increasing his learning, especially in Greek. Indeed, Cicero's description of Cato's old age could have been a self-portrait of Cicero when he was writing the *De senectute*, or at least how Cicero would have liked to spend his old age: collecting his speeches for publication, studying Greek literature and philosophy for enjoyment and exercise of mind, and attending the Senate and influencing political life as a respected and wise consular.²⁴⁷ Or, the other

²⁴¹ Cic. *Amic.* 4 (transl.: Powell (1990)): *sic cum accepissimus a patribus maxime memorabilem Gai Laeli et Publi Scipionis familiaritatem fuisse, idonea mihi Laeli persona visa est quae De amicitia ea ipsa dissereret quae disputata ab eo meminisset Scaevola. Genus autem hoc sermonum positum in hominum veterum auctoritate et eorum illustrium, plus nescioquo pacto videtur habere gravitatis; itaque ipse mea legens sic afficior interdum, ut Catonem, non me loqui existimem.* See Powell (1988) 16–22 for a discussion of Cicero's use of Cato in the dialogue.

²⁴² Cic. *Sen.* 3. See my discussion of this passage in the section 'Personal exempla' in Chapter 7.

²⁴³ Cf. Cic. *Off.* 2.89.

²⁴⁴ Cic. *Sen.* 5, 26, 30, 32, 38, 42, 45, 68. Cf. Cic. *Mur.* 66, in which Cicero praises Cato Maior's *comitas, moderatio, and humanitas*; of course, as part of an argument, as discussed in the section 'Great Romans as general exempla for all Romans' in Chapter 7.

²⁴⁵ Cic. *Sen.* 68; *Amic.* 9.

²⁴⁶ Cic. *Sen.* 15–16, 60–1.

²⁴⁷ Cic. *Sen.* 26, 38. Indeed, Cicero had already in Cic. *Planc.* 66 (54 bc) referred to Cato's exemplum when arguing for his literary studies during holidays and festivals, that is, when still an active politician. Bücher (2006) 262 comments on this passage that 'In the *Pro Plancio* Cicero

way around, this description is perhaps Cicero's own dream of an ideal old age, and in Cato's body, Cicero could express and make alive this dream. Indeed, the *De senectute* is written before Cicero threw himself into his last fight against Marcus Antonius, and in this period he was tired of the impossible political situation and regarded himself as old and ready for retirement. The only problem was that he could not have the retirement that he wished for because of the political situation under Caesar's dictatorship. Cicero does not explicitly term Cato a personal exemplum of his, but, first, Cato is praised in the text by the other interlocutors.²⁴⁸ Second, Cicero makes much out of the proximity between Cato and himself in their status as consulars interested in both political influence and literary studies; indeed Cato embodies the old age which Cicero had wished for himself. In this way, the literary Cato becomes the medium through which Cicero can express his own vision and thereby functions as a personal exemplum of Cicero.

Gnauk, who analysed the importance of Marius and Cato Maior for Cicero, found that Cicero saw in Cato an exemplum, 'Vorbild', of a *homo novus*, of a *municeps*, and of a man who lived and acted with great dignity and esteem in his old age. Indeed, Gnauk interprets Cicero's use of Cato in the *De senectute* as an expression of his own wish for a dignified and influential old age, signalling Cicero's private thoughts.²⁴⁹ Padberg, who looked at Cicero's use of Cato Maior in his works and Cicero's sources for his knowledge, came to a similar conclusion that Cicero felt a 'certain inner closeness to Cato' ('gewisse innere Verbundenheit mit Cato') and that Cato represented Cicero's ideal of a good and venerable old age.²⁵⁰ I agree with Gnauk and Padberg that Cicero presents Cato as embodying the ideal old age for a politician and orator, and that this might reflect Cicero's own wishes. However, their attempts to read Cicero's mind are perhaps too ambitious; it cannot be proven that Cicero felt a close affinity with Cato deep inside. What is beyond doubt, however, is the fact that Cicero represents Cato as a model of conduct, sometimes as a personal exemplum, and that he does so perhaps for personal reasons, perhaps for rhetorical and political reasons, or a combination of both. The importance of Cato's exemplum in Cicero's rhetoric should not be neglected; Cato was clearly a key figure in Cicero's attempt to build up his own image as a wise old statesman, but it is crucial to draw a line between

uses Cato as his personal model.' ('In the Planciana erwähnt Cicero Cato als sein persönliches Vorbild.') However, this is not the strongest indication of Cato's exemplarity for Cicero compared to Cicero's references to Cato's exemplarity as a *homo novus* (Cic. *Verr.* 2.5.180; Cic. *Mur.* 17; *Sull.* 23; *Rep.* 1.1) and Cato's lead role in the *De senectute*.

²⁴⁸ Cic. *Sen.* 4, 8.

²⁴⁹ Gnauk (1936) 99–104.

²⁵⁰ Padberg (1933) 15 (citation), 46, 64.

Cicero's innermost thoughts and his conscious efforts to build up a public persona by using exempla from the past.

Cicero's references to Cato's example as a model to himself in earlier speeches, letters, or theoretical works are few and with very different messages.²⁵¹ In the defence of Murena, Cicero employed Cato's exemplum in an attempt to counter the arguments of the prosecutor and descendant of Cato, M. Porcius Cato Minor. Thus, the fact that it was a Cato who was prosecuting was probably a determining factor in Cicero's decision to refer to Cato Maior.²⁵² A political and historical context of competition over Cato Maior's memory might, in fact, be seen not only in the case of Murena, but even more so in the 40s BC when Cicero was writing the *De senectute*. The suicide of Cato Minor at Utica in 46 BC in response to Caesar's dictatorship was followed by a literary discussion of how to interpret Cato's suicide in political terms: Cicero, Brutus, and Fabius Gallus each wrote a *Cato* which eulogized Cato's stand against Caesar, to which Caesar and his right-hand man Hirtius replied with an *Anti-Cato* each.²⁵³ Here the competition was not between Cicero and a descendant of Cato, but between Cicero and his fellow supporters of the old *res publica* on the one side against Caesar and his dictatorial position on the other side. Cicero's praise of Cato Maior in the *De senectute*, written in Caesar's last year as dictator, might be seen as a public expression of Cicero's wish for a peaceful and dignified old age which Caesar's dictatorship prevented, and as an explicit praise of the first Cato and thereby an implicit praise of the similarly stern and philosophically constant Cato Minor against Caesar's dictatorial power. Read in this way, Cicero's portrait of Cato Maior in the *De senectute* is a display of Cato as an exemplum both to Cicero personally and to those Romans who wished for Caesar's dictatorship to end and republican political life to return.

Throughout the *De amicitia*, Scipio is praised by Laelius for his great qualities and achievements, but Laelius could not easily praise himself. Instead, Cicero has Laelius' dialogue partner, and son-in-law, fill in the gaps. Fannius admires Laelius' wisdom and learning which are expressed in his intellectual capabilities, great character, devotion to study, and cultural interests. These qualities result in great public esteem and respect. Fannius

²⁵¹ Cic. *Verr.* 2.5.180; *Mur.* 17; *Sull.* 23; *Rep.* 1.1 (Cato as *homo novus*), *Mur.* 66 (Cato as affable politician, although with an ironic point) and *Planc.* 66 (Cato as intellectual).

²⁵² Cf. Bücher (2006) 264 for a similar point.

²⁵³ Cic. *Att.* 12.4.2, 12.5.2, 12.40.1, 13.27.1, 13.46.2; *Top.* 94; *Orat.* 35. Brutus' and Fabius Gallus' works called *Cato*: Cic. *Att.* 13.46.2, *Fam.* 7.24.2. Caesar's and Hirtius' works *Anti-Cato*: Cic. *Att.* 12.40.1, 12.41.4, 12.44.1, 12.45.2. Cicero also praised Cato Minor for his constancy in his opposition to Caesar in 44 BC: *Off.* 1.112. For philosophical implications of Cicero's use of Cato Minor, especially in *Tusc.* 1.2, see Gildenhard (2007a) 118–25; for philosophical considerations concerning Cato's suicide, see Griffin (1986).

compares Laelius' wisdom with that of Cato Maior, and he concludes that Cato had achieved his wisdom through experience and practice whereas Laelius had reached wisdom through study and reflection.²⁵⁴ The comparison between Cato and Laelius is interesting as it underlines the connection which Cicero saw between the *Cato Maior De senectute* and the *Laelius De amicitia*, at least when he composed the latter work.

The direct praise of Laelius ties in with Cicero's earlier references to Laelius' exemplum, discussed above, and with references to Laelius' oratorical skills and statesmanlike behaviour in later rhetorical and philosophical works.²⁵⁵ Indeed, in a comparison between Scipio Aemilianus and Laelius in the *Brutus*, Cicero maintains that people liked to assign the higher place in military terms to Scipio but the higher place in terms of intellect, literature, eloquence, and *sapientia* to Laelius.²⁵⁶ This viewpoint fits in nicely with the portrait Cicero gave of Laelius in the 50s BC: the civil and learned counterpart, the *sapiens*, to Scipio's military might. Laelius' figure in these passages, and in the *De amicitia* in particular, seems here even more similar to the public persona Cicero wished to build up around himself of the intellectual and learned statesman with a high moral standing and cultural interests.

When Laelius praises Scipio and himself, it is clear that it is Cicero who praises the two.²⁵⁷ Cicero could use the two friends as a mirror in which he could reflect his own friendship with Atticus. But he could also reflect his own public political persona in that of Laelius. A passage from the *De amicitia* echoes Cicero's famous offer to play Laelius to Pompey's Scipio:²⁵⁸ Laelius: 'For how could our kindness have had a chance to flourish if Scipio had never wanted my advice or my help either at home or abroad?' (*ubi enim studia nostra viguissent, si numquam consilio, numquam opera nostra nec domi nec militiae Scipio eguisset?*)²⁵⁹ Scipio, the military man, needed the counsel of the more civil and learned Laelius. It seems that Cicero regarded the intellectual statesman Laelius as an appropriate and useful historical figure in whom to mirror his own political persona and achievements as a civil consul, even if he moulded his representation of Laelius to a certain extent to fit his own situation. Indeed, the internal praise of Laelius, the proximity between Laelius' and Cicero's intellectual and political qualities, as represented in the *De amicitia*, and the references to Laelius' exemplarity outside the dialogue, most

²⁵⁴ Cic. *Amic.* 6–7. Cf. Cic. *Fin.* 2.24 where Laelius is portrayed as a wise man, a *sapiens*, in the Stoic sense.

²⁵⁵ Cic. *Brut.* 82–94, 258, 295. *Tusc.* 1.5, 1.110, 5.54–5; *Top.* 78.

²⁵⁶ Cic. *Brut.* 84.

²⁵⁷ For example, Cic. *Amic.* 95–6.

²⁵⁸ Cic. *Fam.* 5.7.3

²⁵⁹ Cic. *Amic.* 51 (transl.: Powell (1990)).

notably in Cicero's letters and in the *De republica* discussed earlier, signals that Cicero wanted to be seen as emulating Laelius' exemplum.

Might Scipio also be a personal exemplum of Cicero's? In the *De republica*, Scipio is the main interlocutor, and he emerges as the wise and brave statesman and general which Rome needed.²⁶⁰ Laelius is not as prominent in this dialogue. In the *De amicitia*, however, Scipio is dead and Laelius is the main interlocutor. In his description of his friendship with Scipio, Laelius inevitably weaves in great praise of his friend, including the idea that after his death he was exalted into a heaven for virtuous men.²⁶¹ This last feature echoes the idea of an afterlife for virtuous men as presented in the *Somnium Scipionis* in book six of the *De republica*. In this way Cicero creates layers of exemplarity.

This description of Scipio does not seem to be directly applicable to Cicero himself. Indeed, Cicero wanted to play Laelius and not Scipio. On the other hand, if Cicero's and Atticus' friendship was to be mirrored in that of Scipio and Laelius, who was to play whom? Cicero presented himself as a new Laelius, but Atticus, the *eques* and peace-loving man, was no Scipio. Might then Cicero be Scipio and Atticus the adviser, Laelius? When Cicero wrote the *De amicitia* in 44 BC, he did indeed have some military experience from his proconsulship in Cilicia, but it was nothing comparable to Scipio's military success and prowess. Perhaps the individuals Cicero and Atticus were not to mirror directly the images of Scipio and Laelius, but rather the manner of Cicero's and Atticus' friendship was mirroring the intimacy of Scipio's and Laelius' friendship. In other words, it was more the situation of friendship than the friends themselves that was seen as exemplary for Cicero and Atticus. As seen before, an exemplum does not always fit perfectly in all respects, but rather displays an aspect or facet which applies to Cicero himself. The association with Scipio, Laelius, and their legendary friendship was enough to provide authority to Cicero's description of his own close relationship with Atticus and his own role as a good friend.

The lavish praise of Scipio served the further purpose of reinforcing the lesson of the exemplary friendship, that such a great man in public was also a great person in private. Indeed, Cicero might also have intended to portray Scipio as someone exemplary for all Romans alike, as he had done in the *Verrine* speeches discussed above.²⁶² Cicero's treatise on friendship is dedicated

²⁶⁰ Cf. Cic. *Tusc.* 2.62, 4.5 where Scipio is hailed as a wise, philosophical man.

²⁶¹ Cic. *Amic.* 11–12. Cf. *Amic.* 73, 77, and especially 69 where Cicero talks of a *grex* (group or 'circle') of men surrounding and focusing on Scipio.

²⁶² Cic. *Amic.* 102. See discussion in the section 'Great Romans as general exempla for all Romans' in Chapter 7.

to Atticus, but it is likely that Cicero had intended the work for a broader audience, especially in the tumultuous year of 44 BC, where men enlisted friends in their evil actions.²⁶³ With a broader audience, a general praise of Scipio makes more sense, since he stands as an exemplary man to all, and his friendship with Laelius as exemplary for all friendships.

Given his role as an interlocutor in the *De amicitia*, Scaevola Augur also has to be considered as a personal exemplum. In the introduction, Cicero presents Scaevola Augur as the link between Laelius, Scaevola's father-in-law, and Cicero himself, Scaevola's pupil. Scaevola Augur is praised for his learned opinions and pointed sayings.²⁶⁴ However, Cicero quickly relates that after Scaevola's death, he attached himself to another Scaevola, the *pontifex maximus* and relative of the augur, and that he was the most distinguished man of the state at that time. It seems that the interlocutor Scaevola Augur is surpassed by Scaevola Pontifex. This suggests that Scaevola Augur is chosen as interlocutor because of his family connection to Laelius and Cicero's tutelage, so that he functions as a plausible link between Laelius and Cicero, and Cicero's narrative can earn some credibility from this fact. Therefore, Scaevola Augur does not emerge as a personal exemplum of Cicero. This conclusion ties in with the observations made in connection with Scaevola's role as interlocutor in the *De oratore* and the *De republica*. Although Cicero refers to Scaevola's example in earlier speeches and treatises, he is never singled out as specifically exemplary to Cicero himself. It is different with Scaevola Pontifex, whose proconsular edict Cicero strove to emulate. Taken with this passage from the *De amicitia*, it seems that Cicero regarded Scaevola Pontifex as a useful personal exemplum in certain situations.²⁶⁵

Among the interlocutors of these treatises, Cicero presents Scipio as an exemplary statesman for all Romans but not as a personal exemplum. Laelius, however, appears as a significant exemplum for Cicero, and a more appropriate one given his civil status. Finally, Cato Maior is playing the role of a man in the ideal old age which Cicero would have liked to experience himself, and thereby presented as a personal exemplum. Cicero modelled these interlocutors into a character that fitted his audience's expectations and associations of these historical figures, as well as his immediate purpose with the dialogue and his overall message of what an ideal statesman comprised. Given the fame of these figures,

²⁶³ Hence Cicero's warning against the actions of Ti. Gracchus: Cic. *Amic.* 39–41. Cicero's correspondence with Matusius about the obligations of friendship as opposed to the state indicates Cicero's preoccupation with this matter in this period: Cic. *Fam.* 2.27, 2.28 with Griffin (1997a).

²⁶⁴ Cic. *Amic.* 1.

²⁶⁵ See the section 'In the mould of Scaevola: Cicero in Cilicia' in this chapter for Cicero's emulation of Scaevola's edict.

Cicero could not alter their representation significantly without losing credibility and thus the authority which the figures lent to his message. But it is precisely the combination of the fame and authority of these figures on the one hand and Cicero's tailoring of their representation on the other hand which makes them into powerful personal exempla through which Cicero can articulate his messages about his own political status and that of the *res publica*.

Crassus and Antonius

Several of Cicero's rhetorical works of this period pay tribute to Crassus and Antonius. In the *Brutus*, they are given prime attention, albeit not as interlocutors but as the greatest orators of their time. Cicero prefers to describe them in comparison: 'For in my judgement these (two) orators were the greatest and in them for the first time Latin eloquence equalled the glory of the Greeks.' (*nam ego sic existimo, hos oratores fuisse maximos et in his primum cum Graecorum gloria Latine dicendi copiam aequatam.*)²⁶⁶ In the *Orator*, Cicero again honours this pair of oratorical stars, and one passage in the *Topica* refers to Crassus as well. However, none of them is mentioned in the *De optimo genere oratorum* or the *Partitiones Oratoriae*, and in these works only very few historical figures are referred to as exempla. This low number of exempla in general should be seen as a result of the technical nature of these works. In his philosophical treatises, Crassus and Antonius are only mentioned in passing, and for both positive and negative lessons.²⁶⁷ This underlines the conclusion that their principal exemplarity for Cicero lies with their oratorical skills and not philosophical outlook.

In the *Brutus*, Antonius is described as displaying an effective arrangement of words, a perfect memory, beautiful Latin, and a forceful delivery with fantastic figures of thought, like the great Demosthenes. He appeared to be unprepared, but was always extremely well prepared.²⁶⁸ Yet Crassus is still to be preferred in Cicero's view: 'Some said that he [Antonius] was equal in rank to L. Crassus, others preferred L. Crassus . . . Even if I attribute to Antonius as much as I have said above, I still think that nobody could have been more perfect than Crassus.' (*Huic alii parem esse dicebat, alii anteponebant L. Crassum . . . equidem quamquam Antonio tantum tribuo quantum supra dixi, tamen Crasso nihil statuo fieri potuisse perfectius.*)²⁶⁹ Crassus was the greater of

²⁶⁶ Cic. *Brut.* 138 (Teubner). The comparison between Antonius, Crassus, and other orators of their age spreads over the chapters 139–65.

²⁶⁷ Cic. *Tusc.* 1.10, 2.57, 5.55; *Par. Stoic.* 41.

²⁶⁸ Cic. *Brut.* 139–42.

²⁶⁹ Cic. *Brut.* 143 (Teubner).

the two, Cicero argues, because he combined *gravitas* with urbanity and wit, his Latin was careful and well chosen, his presentation lucid, and his skill in different kinds of argumentation great.²⁷⁰ This preference for Crassus ties in with Cicero's presentation of Crassus and Antonius in the *De oratore* where Cicero made Crassus seem closer to himself in terms of educational background and outlook resulting in great oratorical skills.²⁷¹ Cicero then goes on to compare Crassus with the great jurisconsult Q. Mucius Scaevola Pontifex. This comparison was particularly appropriate for Crassus in that he was also well versed in law and because Cicero had made Crassus argue for the necessity of legal knowledge for the orator in the *De oratore*. Cicero's conclusion is that Crassus was allowed to be the ablest jurist in the ranks of orators, Scaevola the best orator in the ranks of jurists.²⁷²

Antonius, however, seems not to have thought of Crassus and himself as the foremost orators of their day. But in a passage of the *Orator*, Cicero again emphasizes the status of Antonius among his contemporaries, implying that he himself thought Antonius a prime example of a great orator.²⁷³ Likewise, Crassus comes up again later in the *Orator* as a provider of exemplary passages from his speeches, of which a number seem to have circulated in Cicero's time.²⁷⁴ Some of these references to particularly illustrative passages in Crassus' speeches are even combined with passages from Cicero's own speeches, suggesting not only Cicero's position as an exemplary orator, but also his debt to Crassus.²⁷⁵ In other words, this passage is also a hint at Cicero's regard of Crassus as a personal exemplum, at least in terms of oratory.

As in the *Orator*, Crassus' oratory is mentioned also in the *Brutus* as school-book texts in Cicero's childhood, which again gives hints of the exemplarity of Crassus' oratory in general and for Cicero in particular.²⁷⁶ Indeed, in the *Brutus*, Cicero the author makes Brutus the interlocutor associate Cicero with Crassus: (Brutus): "From your [Cicero's] speech," Brutus said, "it seems to me that I have come to know Crassus and Scaevola [Pontifex] well, likewise I believe, thinking of you and Ser. Sulpicius, that there is a similar relation between the two of you

²⁷⁰ Cic. *Brut.* 143–4.

²⁷¹ Scholz (1963) 94 also finds that Cicero prefers Crassus over Antonius in these works as well as in the *De oratore*.

²⁷² Cic. *Brut.* 145.

²⁷³ Cic. *Orat.* 18–19.

²⁷⁴ Cic. *Orat.* 219, 222–5.

²⁷⁵ Cic. *Orat.* 223.

²⁷⁶ Cic. *Brut.* 164 where Cicero argues that a speech of Crassus had formed part of a textbook in rhetoric in Cicero's childhood. Kennedy (1972) 147 has noted imitations of Crassus in Cicero's earlier works. Dugan (2005) 201–2 emphasizes Crassus' role as exemplum to Cicero in the *Brutus* as part of Cicero's self-fashioning.

as there was between those two.” (cum ex tua [Cicero] oratione mihi videor, inquit, bene Crassum et Scaevolam [Pontifex] cognovisse, tum de te et de Ser. Sulpicio cogitans esse quandam vobis cum illis similitudinem iudico.)²⁷⁷ Servius Sulpicius Rufus was the most distinguished jurist of Cicero's age. He had studied rhetoric with Cicero in their youth, had pleaded public cases and was eulogized in Cicero's ninth *Philippic* after he had died on the embassy to Marcus Antonius in 43 bc.²⁷⁸ Brutus is made to find that the relation between Cicero the orator and Sulpicius the jurist was comparable to that between Crassus the orator and Scaevola the jurist, because as with Crassus and Scaevola, Cicero was the orator who knew most of law and Sulpicius the jurist who was the best orator.²⁷⁹ This comparison is a clear signal of Cicero's desire for his audience to associate Crassus and his brilliant oratorical skills with himself; Brutus' role as a mouthpiece simply amounts to polite modesty. A further indication of Crassus' exemplary role for Cicero might be found in the fact that Sulpicius went to Scaevola for legal education (although Scaevola found Sulpicius untalented) as Cicero went to Crassus' house for rhetorical education.²⁸⁰ The pairing of orator–jurist (Crassus–Scaevola paralleled in Cicero–Sulpicius) may in this way be complemented by the pairing of mentor–pupil (Crassus–Cicero and Scaevola–Sulpicius). Whether one looks at the pairing the one way or the other, the picture is clear: Cicero wants to be seen as walking in the footsteps of Crassus. Cicero's praise of Crassus' superior talent and education, his emphasis on Crassus' exemplarity in school-books on rhetoric, and his comparison between Crassus and himself form part of his presentation of Crassus as a personal exemplum. This presentation ties in well with the presentation in the *De oratore*, even if Crassus is not an interlocutor in the *Orator* or the *Brutus*. The implications of this presentation for Cicero's message regarding his own position in Roman oratory will be explored below.²⁸¹

In Cicero's letters of this period, a few historical figures are presented as exemplary for Cicero. Orators who dominate Cicero's rhetorical works are also present in his letters, providing a neat overlap between the two genres.

²⁷⁷ Cic. *Brut.* 150 (Teubner). Cf. Cic. *Top.* 44 for another pairing of Crassus and Scaevola in the famous *causa Curiana*. Here Crassus is not presented as a personal exemplum of Cicero. The case is also mentioned in: Cic. *De or.* 1.180, 1.238, 1.242. Cf. Harries (2006) 100–1 for the legal aspects of the *causa Curiana*.

²⁷⁸ Cic. *Brut.* 151 (rhetorical studies with Cicero); *Phil.* 9. There is also an exchange of letters between Cicero and Sulpicius in the letters *ad familiares* 4.1–6, 4.12, 13.17–28a.

²⁷⁹ Cic. *Brut.* 145, 150.

²⁸⁰ Pompon. *Dig.* I, 2, 2, 43.

²⁸¹ See the subsection 'Orator' in Chapter 9.

Crassus and Antonius are mentioned, but Cicero explicitly refuses to be compared to Catulus.²⁸²

In the many laudatory passages in the *Brutus* and the *Orator*, combined with those in the *De oratore* and Crassus' role as main interlocutor in the *De oratore*, Cicero displays Crassus as a personal exemplum in terms of oratory. Crassus' political stance is hardly mentioned at all. Antonius is included in these laudatory passages, but Crassus seems to be favoured with more discussion and he is made to express views closer to Cicero's own. Therefore, I would argue that Crassus indeed emerges as a clear personal oratorical exemplum for Cicero in all aspects of oratory, whereas Antonius might be seen merely as an excellent orator.²⁸³ This conclusion ties in with the impression gained from the *De oratore*, where Crassus is the major personal exemplum for Cicero and Antonius exemplary to a lesser degree, as well as that from the earlier speeches in which Cicero proclaims to take Crassus as an exemplum.

Hortensius

A further historical figure emerging as an exemplum in the *Brutus* is the orator and politician Q. Hortensius Hortalus (114–51 BC).²⁸⁴ Hortensius was the greatest orator in Rome when Cicero started his political career, and he was a very formidable opposing advocate in Cicero's prosecution of Verres. Cicero's victory in this case, which he does not emphasize in the *Brutus*, was to be not only a victory over Verres but also over Hortensius as the greatest living orator.²⁸⁵ After his consulship the following year (69 BC), Hortensius withdrew himself from public life and only returned when Cicero became consul in 63 BC. Cicero says outright that Hortensius was spurred by a desire to stand up to his oratorical rival Cicero now that Cicero had also obtained the consular status.²⁸⁶ We cannot be certain that this was, in fact, Hortensius' motivation. But Welch and Dyck have independently and convincingly argued that Cicero's relationship with Hortensius was, or was presented as, one of rivalry and jealousy. Their common friend Atticus tried to alleviate their differences in opinion, but without outright success, it seems, from Cicero's rather ambivalent views on Hortensius.²⁸⁷

²⁸² Cic. *Fam.* 9.15.2–3 (46 BC) 6.2.2. (45 BC).

²⁸³ See Narducci (2002b) 416 for a similar view.

²⁸⁴ *RE* 13 (von der Mühl); Dyck (2008).

²⁸⁵ Dugan (2005) 224–5 discusses Cicero's omission of the outcome of the Verres case.

²⁸⁶ Cic. *Brut.* 320–3.

²⁸⁷ Welch (1996) 455–6, Dyck (2008). Cic. *Att.* 1.14.5, 1.16.2–4, 2.25.1, 4.6.3, 6.6.2; *Fam.* 2.16.3; *Brut.* 1.

Atticus tried already in 55 BC to make Cicero dedicate a work to Hortensius, but Cicero refused on the grounds that he did not want to look silly in honouring somebody who had misbehaved towards him.²⁸⁸ However, in his rhetorical and philosophical works of the 40s BC, Cicero returned to this idea. Hortensius was honoured throughout the *Brutus*, he was Cicero's interlocutor in the dialogue on philosophy named after Hortensius (not extant except for few and small fragments), and he was one of the interlocutors in Cicero's first edition of the *Academica*. The fact that Hortensius was safely dead made it easier for Cicero to employ his persona in these works, but Hortensius' figure also fitted well into Cicero's various purposes and messages in these three works, especially in the *Brutus* and the *Hortensius*. In the latter work, Hortensius is made to argue against the study of philosophy opposed by the arguments of Cicero the interlocutor. This division of viewpoints probably reflects Hortensius' own practical training as an orator, illustrated in the *Brutus*, as opposed to the much more theoretically based education of Cicero. This ties in with Cicero's thoughts on the interlocutors of the *Academica*, highlighted in the general discussion of interlocutors' exemplarity above: besides the sense of obligation to honour Varro by dedicating this work to him and making him an interlocutor, Cicero had considered Hortensius, Catulus, and Lucullus less suitable as interlocutors because of their lack of interest in philosophy.

Not so in the *Brutus*. Here the figure of Hortensius was more suitable in a history of Roman orators, and Cicero makes Hortensius' figure perform several roles: first of all he places the history of Hortensius' oratorical career as the frame story within which he can relate his history of the orators. Hortensius was fortunate in dying before the *res publica* died and before the forum, in which Hortensius had built his career and fame, had lost its political function. It is in this lamentable situation that the recollection of great orators presents a relief.²⁸⁹ Second, Hortensius is set up as the greatest living orator in Rome at the time when Cicero started his forensic and political career. He became the ideal whom Cicero could strive to imitate and, ultimately, surpass. In this way, Hortensius' figure works as a mirror in which Cicero can reflect on his own oratorical training and performances. Finally, Hortensius fulfils the role of an exemplum paraded in Cicero's funeral procession over Roman oratory. This last point needs a bit of explanation.

In the *Brutus*, Cicero plays around with several genres. As Dugan has pointed out, the *Brutus* can be said to be a literary history, a philosophical dialogue, a funeral oration over Roman republican oratory, and, at the end, Cicero's autobiography.²⁹⁰ It can also be said to be an *annales* of orators,

²⁸⁸ Cic. *Att.* 4.6.3.

²⁸⁹ Cic. *Brut.* 1–3, 329.

²⁹⁰ Dugan (2005) 173 and developed in 172–250. See Narducci (2002a) 401 on the funereal tone, and 422–3 on the autobiographical element.

although imprecise in chronology.²⁹¹ Steel has even argued that the *Brutus* should be seen as Cicero's suicide note as a politician by almost writing himself out of politics and into history, his history of Roman orators.²⁹² If we consider the work a funeral oration to Roman republican oratory, that is, a speech enumerating and honouring the great achievements in the long history of Roman oratory in the free republic, then the orators embodying these achievements function as historical exempla of great oratory. In this long list of orators, Hortensius stands out as the greatest orator in his day, emphasized by the function of his career as frame story. In this way, Hortensius' figure is almost a textual *imago* in the 'family' of Roman republican orators.²⁹³ In his delivery of the funeral speech, Cicero can lament the loss and praise the accomplishments of Roman oratory, and urge the young generation to imitate the ancestral examples; he can even advertise his ownership of the deceased, Roman oratory. His choice of *imagines* or historical exempla (the individual orators remembered) to be included in the procession signals which ancestors he regarded as belonging to the family of the deceased (Roman oratory) and by virtue of his position as speaker on behalf of the family, which ancestors with whom he wanted to be associated.²⁹⁴ Hortensius was clearly of prime importance.

While future generations of orators, Brutus included, could have learnt from the orators recorded in the *Brutus* had the *res publica* not ceased to function, the element of exemplarity is present within the work itself: orators look to their predecessors for ways in which to develop their own skill, as Cicero looked to Hortensius' example rather than that of Cotta when embarking on his political career.²⁹⁵ Hortensius is therefore presented as a personal exemplum of Cicero at that particular moment in time, whilst the whole structure of the work emphasizes the practice of looking to models as the natural way of development. However, Cicero quickly catches up with Hortensius and finally surpasses him as the greatest living Roman orator.²⁹⁶ This final outcome of the *Brutus* will be discussed in Chapter 9.

²⁹¹ As Jill Harries suggested to me. For chronological issues see Douglas (1966b); Sumner (1973) 151–4.

²⁹² Steel (2003), esp. 207–11.

²⁹³ For the Roman tradition of funeral procession and speech, see the vivid description in Polyb. 6.53–4, and the discussion in Flaig (1995); Flower (1996) 91–127; Timpe (1996) 279–81; Blösel (2000) 37–46; Hölkeskamp (2004a) 188–90.

²⁹⁴ See Steel (2003) 199–207 for Cicero's decision to leave out orators such as Marius, Sulla, Catiline, and Clodius; a decision based on a criterium of political outlook rather than skill and talent.

²⁹⁵ Cic. *Brut.* 317. See also Dyck (2008) 145–8.

²⁹⁶ Cic. *Brut.* 321–33. Dyck (2008) 169–70 sees Cicero as taking Hortensius as a personal exemplum throughout his career.

Demosthenes

The Athenian orator Demosthenes is perhaps the most lauded Greek exemplum in Cicero's rhetorical works, in terms of numbers of passages and in the content of these passages. In the *De oratore*, Demosthenes is a prominent figure and several references to his oratory underline the notion that Cicero was an admirer of the Athenian orator.²⁹⁷ Nowhere in this work, however, does Cicero explicitly present Demosthenes as his personal exemplum. Demosthenes is equally praised as the greatest Greek orator in the *Brutus*, the *Orator*, and the *De optimo genere oratorum*, perhaps even the closest to the otherwise unattainable ideal.²⁹⁸ The praise is not surprising in the latter work as it was intended to be an introduction to a translation of Demosthenes' speech *On the Crown* and Aeschines' opposing speech, indicating Cicero's admiration for Demosthenes. In the discussion of Atticism versus Asianism, Cicero employs Demosthenes as the exemplum par excellence to prove that there is no definite 'Attic style' since Demosthenes and other Attic orators were able to use several styles, and that this ability in particular marked them as great orators.²⁹⁹ Demosthenes' position as the best orator ever makes him particularly suitable as a model:

If only we could find someone resembling such an orator among the Romans. It would be excellent not to look among foreigners but to be content with a domestic example. (23) But I, who in that dialogue of mine which is entitled *Brutus* paid high tribute to Latin speakers, whether to encourage foreigners or because I loved my own people, I remember that I placed Demosthenes high above all others, Demosthenes whom I would compare to that which I deem eloquence, not to that which I have myself found in anyone . . . (24) Now one just praises to the extent that one hopes to be able to imitate.³⁰⁰

²⁹⁷ Cic. *De or.* 1.58, 1.88–9, 1.260, 2.94–5, 3.28, 3.71, 3.213.

²⁹⁸ Cic. *Brut.* 35, 121, 290; *Orat.* 6, 15, 23, 26, 56, 104–5, 110, 133, 136, 226; *Opt. gen.* 6, 10, 13, 17. Although Bringmann (1971) 40 (on the *Brutus*), 51–3 (on the *Orator*) argues that Cicero distances the concept of the ideal orator from a specific model of emulation; Demosthenes does not embody the ideal, but its worldly mirror image.

²⁹⁹ Cic. *Opt. gen.* 8–10. Cf. Bringmann (1971) 53–4.

³⁰⁰ Cic. *Orat.* 22–4 (Teubner): *atque utinam in Latinis talis oratoris simulacrum reperire possemus. esset egregium non quaerere externa, domesticis esse contentos. (23) sed ego idem, qui in illo sermone nostro qui est expositus in Bruto multo tribuerim Latinis, vel ut hortarer alios vel quod amarem meos, recordeo longe omnibus unum anteferre Demosthenem, quem velim accommodare ad eam quam sentiam eloquentiam, non ad eam quam in aliquo ipse cognoverim . . . (24) nunc enim tantum quisque laudat quantum se posse sperat imitari.*

Certainly in terms of oratory, Cicero wished to display Demosthenes as a personal exemplum of his.³⁰¹ This conclusion is further supported by Cicero's reference to Demosthenes' set of speeches against Philip II, which Cicero takes as a model for his own consular speeches. In a letter to Atticus from 60 BC, Cicero says:

I'll send my little speeches, both those you ask for and some more besides, since it appears that you too find pleasure in these performances which the enthusiasm of my young admirers prompts me to put on paper. Remembering what a brilliant show your countryman Demosthenes made in his so-called *Philippics* and how he turned away from this argumentative, forensic type of oratory to appear in the more elevated role of statesman, I thought it would be a good thing for me too to have some speeches to my name which might be called 'Consular'.³⁰²

Cicero clearly takes not only Demosthenes' *Philippics* as models for his consular speeches, but also Demosthenes himself as a model leading statesman whom he would like to be seen emulating. Among the many Greek exempla in Cicero's rhetorical works, Demosthenes is the closest we get to a personal exemplum of Cicero.

However, a few other Greek exempla are worth considering as well, alongside Cicero's brief reference to Alexander when governor in Cilicia, as discussed above. In May 45 BC, Cicero put himself in a great dilemma, when he tried to compose a letter of advice to Caesar following the Greek precedents of Aristotle's and Theopompus' letters of advice to Alexander the Great. The problem was that Caesar's men, Oppius and Balbus, had commented sharply on Cicero's first draft which made a revised version difficult if Cicero wanted

³⁰¹ Cf. Dugan (2005) 309–14. Wooten (1983) 46–52 argues that Cicero's admiration for Demosthenes only developed in the 40s BC as a response to the criticisms of the Atticists. I agree that Cicero's references to Demosthenes in the *De oratore* (55 BC) are less explicit in their praise than those of Cicero's later rhetorical works, but I do not think that these references should be neglected altogether. Indeed, Tempest (2006) chapters 4–6 has argued that the influence of Demosthenic rhetoric can be seen already in the *Verrine* speeches. Cf. also Tempest (2007). Wooten's analysis of Demosthenes' exemplum for Cicero in his fight against Antony is important, but his attempt to read into Cicero's mind (p. 51) is less convincing; it is difficult to know what Cicero really thought in private. Cicero's references to Demosthenes can instead be argued to be, at least, his conscious projection of himself as an imitator of the great Greek orator. For comparisons between Demosthenes and Cicero in ancient literature see, among others, Plut. *Dem.* 3.3–5 and the actual comparison; Juv. 10.114–32; and, more implicitly, Val. Max. 8.10.3–ext.1.

³⁰² Cic. Att. 2.1.3: *Oratiunculas autem et quas postulas et plures etiam mittam, quoniam quidem ea quae nos scribimus adulescentulorum studiis excitati te etiam delectant. fuit enim mihi commodum, quod in eis orationibus quae Philippicae nominantur enituerat tuus ille civis Demosthenes et quod se ab hoc refractariolo iudiciali dicendi genere abiunxerat ut σεμνότερός τις et πολιτικώτερος videretur, curare ut meae quoque essent orationes quae consulares nominarentur.* It is this letter, which suggests that Cicero thought of revising and circulating his consular speeches in 60 BC.

to give honest advice.³⁰³ Cicero wrote to Atticus on three occasions about his dilemma. From these letters it emerges that Atticus had encouraged Cicero to write such a letter of advice and that Cicero then compared it with the letters of advice which Aristotle and Theopompus wrote to Alexander the Great and which Cicero looked at for inspiration. He clearly wanted to follow the exempla of the Greek philosophers, who not only tried to steer the young Alexander, but also acquired glory for themselves in the attempt. However, the differences in situation overshadowed the similarities: Cicero's letter would not have gained him glory but rather underscored his position as a politician under the control of a dictator, and Caesar would not have been pleased with its content, except perhaps the parallel between Alexander and himself.³⁰⁴ For Cicero, the literary exempla of Aristotle and Theopompus were attractive in theory, but in practice they were impossible to follow. Therefore he decided not to write and send off this letter of advice to Caesar. Cicero may have wanted to present Aristotle and Theopompus as his personal exempla—a parallel the intellectual Caesar would have understood—but the similarities were hard to find and the consequences of such a letter were too negative. Cicero's use of Alexander's military exemplum during his proconsulship in Cilicia, as discussed above, is here supplemented by his use of Alexander's role as a youth to be advised, which again underlines the general conclusion of flexibility of historical exempla, discussed in Chapter 6, and Cicero's wish to be seen as a teacher to the younger generation.³⁰⁵ Furthermore, these few references to Greek figures with an element of exemplarity, whether acted upon or not, for Cicero personally, confirms both the fact that Greek historical exempla are fewer than Roman exempla and the fact that such Greek exempla are more prevalent, and presumably were more effective, in the letters and treatises than in the speeches.³⁰⁶

Marius and Metellus Numidicus

Marius does not appear as an exemplum, let alone a personal exemplum, in the rhetorical works, but a few passages in the philosophical works do contain references to his example with both positive and negative connotations.³⁰⁷

³⁰³ Cic. *Att.* 12.40.2, 13.26.2, 13.28.2.

³⁰⁴ Plut. *Caes.* 11.

³⁰⁵ See Chapter 10.

³⁰⁶ See the section 'In the mould of Scaevola: Cicero in Cilicia' in this chapter and the sections 'Flexibility of exempla: the example of the Gracchi' and 'Treatises' in Chapter 6.

³⁰⁷ Positive: Cic. *Fin.* 2.105; *Tusc.* 2.35, 2.53; *Par. Stoic.* 16. Negative: *Tusc.* 5.56; *Nat. D.* 3.80–1.

Cicero even uses Marius' exile to ridicule the Epicurean theory of pleasure.³⁰⁸ On the other hand, he is also singled out as a hero in adversity during his exile in order to illustrate the Stoic paradox that possession of virtue is sufficient for happiness.³⁰⁹ With this passage, Cicero could mean that Marius, in his misfortune, still kept up his ethical standards and maintained his happiness. This passage could therefore be a hint to Cicero's own experiences in political life in which he felt he had all the right virtues and nevertheless was forced into exile or political inactivity. His lack of happiness in these situations was perhaps just proof of the fact that he could not live up to the Stoic ideal, and not so much that he did not consider himself virtuous. In other words, Cicero displays Marius as a personal exemplum in his steadfast upholding of morals.

A wholly negative evaluation of Marius is included in the *De natura deorum*. The interlocutor Cotta argues that the gods do not care about human beings and illustrates this notion with reference to a string of historical exempla of great Romans who nevertheless suffered hard fates. The climax of this list, and the only instance in which the guilty part is named rather than the victim only, is Marius' order of the murder of Q. Lutatius Catulus (cos. 102 BC), which makes Cotta describe Marius as *perfidiosissimus*, the most treacherous of all.³¹⁰ Such a verdict is fitting for a Sullan like Cotta, but it also chimes well with Cicero's disgust at the murders of great statesmen and orators of the 80s BC, expressed in the *Brutus*.³¹¹ It is one of the strongest criticisms of Marius found in Cicero's works, alongside passages in the *De officiis* to be discussed below. It underlines the fact that Cicero may have used Marius as an exemplary *homo novus* and steadfast consul but could not accept Marius' *popularis* policies or his violent means to power. Marius is not presented as a negative personal exemplum to Cicero (or Cotta) but rather as a negative historical exemplum for all Romans to avoid.

In the *De divinatione*, Quintus argues for the prophetic value of dreams. In a lengthy passage where he uses exempla from literature, from myth and legends, from foreign countries, and from the distant Roman past, his long list reaches its climax with the dreams of Quintus and Cicero, predicting Cicero's exile and triumphant return. In Cicero's dream, Marius is a prominent figure:

During your flight, which was glorious for us but calamitous for the country, you were staying at a certain villa in the plain of Atina... But when you woke around the second hour you related your dream to him. As you were wandering sadly in desolate places, there appeared to you C. Marius with laurelled *fascēs* asking you why you were sad, and when you said that you had been driven out of your country by force, he took

³⁰⁸ Cic. *Fin.* 2.105.

³⁰⁹ Cic. *Par. Stoic.* 16.

³¹⁰ Cic. *Nat. D.* 3.80; cf. *Tusc.* 5.56.

³¹¹ Cic. *Brut.* 304–11.

your right hand, told you to be of good cheer, handed you over to his senior lictor to take you to his monument, and said that in it you would find safety. Sallustius [Cicero's friend] relates that at that moment he cried out that a swift and glorious return was in store for you and you yourself seemed delighted at the dream. At any rate I was told swiftly that, when you heard that the magnificent senatorial decree about your return had been passed in that monument, on the motion of an excellent and most illustrious consul, and that it had been greeted in a packed theatre with incredible shouts and applause, you said that nothing could be more divinely inspired than that dream at Atina.³¹²

Cicero's dream is supposed to have appeared during Cicero's exile and it focuses on his glorious recall. Marius' role in Cicero's dream is that of a godlike figure guiding Cicero towards Marius' temple of *Honos* and *Virtus*, from where the Senate would later recall Cicero.³¹³ If we are to disregard the (possible) historical context of this dream and instead take this passage as a rhetorical ploy of Cicero's, we could ask why Marius has such a prominent role. Cicero had already in his speeches after his exile emphasized the differences between the return of Marius and the recall of himself. Here, however, Marius is Cicero's guide back to Rome, literally to his temple, making Marius a clear model of Cicero's in his return to Rome. The association with Marius and his exile is the same as in the earlier speeches, but the positive presentation of Marius in the poem is different. Is Cicero's message that Marius was a personal exemplum of his?

The question is whether the layered context of interlocutors and the argument between the interlocutors, Cicero and Quintus, allow for such a conclusion. Quintus is made to argue for the prophetic value of dreams, but Cicero the interlocutor subsequently goes against this view by characterizing Marius' appearance in his dream as a mere phantom, an *imago*.³¹⁴ Cicero does not expand further on the meaning of phantom, but later in the discussion, he

³¹² Cic. Div. 1.59 (Teubner) (transl.: Wardle (2006)): *cum in illa fuga nobis gloriosa, patriae calamitosa in villa quadam campi Atinatis maneres magnamque partem noctis vigilasses... cum autem expectatus esses hora secunda fere, te sibi somnium narravisse: visum tibi esse, cum in locis solis maestus errares, C. Marium cum fascibus laureatis quaerere ex te, quid tristis esses, cumque tu te patria vi pulsum esse dixisses, prehensisse eum dextram tuam et bono animo te iussisse esse lictorique proximo tradidisse, ut te in monumentum suum deduceret, et dixisse in eo tibi salutem fore. tum et se exclamasse Sallustius narrat reditum tibi celerem et gloriosum paratum, et te ipsum visum somnio delectari. nam illud mihi ipsi celeriter nuntiatum est, ut audivisses in monumento Mari de tuo reditu magnificentissimum illud senatus consultum esse factum, referente optumo et clarissimo viro consule, idque frequentissimo theatro incredibili clamore et plausu comprobatum, dixisse te nihil illo Atinati somnio fieri posse divinius. Sallustius is not a freedman of Cicero, otherwise his *nomen* would have been Tullius, but a freeborn friend (Treggiari (1969) 252). Cf. Val. Max. 1.7.5 who retells the story.*

³¹³ For the temple itself and Cicero's use of it see Clark (2007a) 124–6, 171.

³¹⁴ Cic. Div. 2.136.

argues that dreams only reflect, albeit in a distorted way, the thoughts of the dreaming person, and he supports his point by referring to his dream about Marius during his exile, when he, he says, often thought of Marius.³¹⁵ This would speak against the prophetic value, however, and instead indicate that Cicero the author did indeed think of Marius consciously when in exile, hinting at Cicero's wish to present Marius as a personal exemplum in terms of a return to Rome.

There are various problems with Cicero's presentation of his dream and Marius' prominence in it: Cicero did not refer to Marius even once in his extant letters from his exile, and certainly not to a dream about Marius, therefore this dream seems to be a literary element in the *De Divinatione* rather than a historical fact. As such, it makes more sense since the discussion of the dream and the exemplum of Marius form part of a greater argument in which Cicero the author has Quintus the interlocutor build up a hierarchy of exempla in which Quintus ends with a recent Roman exemplum. The most trustworthy (even if fictional) exemplum Quintus could produce was of course one of himself and Cicero, since they are the interlocutors. Thus, in terms of rhetorical strategy, this choice of exemplum seems logical.

However, Cicero could have chosen a different exemplum of Quintus and himself, if he did not think Marius of some importance. Given the implicit praise of Cicero's voluntary exile and triumphant return, he might have selected this exemplum simply to praise himself. However, Marius' role is dominant and the similarities between his and Cicero's case are spelled out clearly. Therefore, it seems that the involvement of Marius in Cicero's dream is not a result of mere rhetorical strategy on behalf of Quintus' argument, nor is it meant as simple self-praise (although this element should not be neglected), but to a certain degree a representation of Marius as a personal exemplum of Cicero. The layered context of interlocutors and author may have served to distance Cicero from too excessive a claim to Marius' exemplum, but the exemplarity is still present and dominant. We therefore see that Marius' exemplum reflects Cicero's literary, rhetorical, and political aims in early 44 BC, when he wrote the *De divinatione*, rather than Cicero's thoughts about Marius during his exile. Marius' exemplum was clearly still relevant to Cicero's nurturing of his public persona in 44 BC.

In a long passage in the treatise *Paradoxa Stoicorum*, Cicero expounds his ideas of exile in a philosophical vein.³¹⁶ Interestingly, Cicero does not make a

³¹⁵ Cic. *Div.* 2.119–50, esp. 119–20, 140.

³¹⁶ Cic. *Par. Stoic.* 27–32. Narducci (1997a) = (2004) and Claassen (1999) 161 emphasize the influence of philosophical thought on Cicero's discussion of exile in his late treatises. Cf. Kurczyk (2006) 328–33 on Cicero's self-presentation of his exile in his philosophical treatises.

single reference to the exemplum of Metellus Numidicus in this passage, as he did in his speeches after his return from exile. This omission might be a result of the focus on exile rather than recall, because it was in their recall rather than exile, that Cicero saw similarities between Metellus and himself. Only when pressed did Cicero draw parallels between the motivations and circumstances of his and Metellus' exile, as in the *Pro Plancio*. Cicero's decision not to mention Metellus in the *Paradoxa Stoicorum* could also stem from the type of argument adopted in the treatise. Here, Cicero relies on a more sophisticated argument based on philosophical ideas and definitions rather than on an analysis of the political background for his exile. In this context, the inclusion of Metellus may have seemed less effective. A third possibility is that Cicero did not regard Metellus' exile as a relevant personal exemplum in the 40s BC to the same degree as it had been a decade previously. The Metelli were no longer as dominant in politics, and the only two attested officeholders in the period 50–44 BC were enemies of Caesar and therefore probably unsuitable exempla to promote during Caesar's dictatorship.³¹⁷ Marius was a much more appropriate exemplum for Cicero to associate himself with, given Caesar's relationship with and open favour of the old *popularis* politician. Even after the murder of Caesar, Cicero may have found it expedient to stick to Marius' inclusion in the *De divinatione* (written before and after the murder of Caesar), as the chaos resulting from Caesar's death made calculations on political alliances a tricky matter.

Preliminary conclusion

Cicero's representation of his oratorical models in the rhetorical works correlates well with that in the *De oratore*. Antonius and, in particular, Crassus are singled out as the greatest Roman orators of their day, whereas Demosthenes is their Greek equivalent and perhaps even the greatest of all. Cicero clearly promotes the idea that he is to be considered among these three orators and he presents them several times as his personal exempla. The question of Cicero's place in this oratorical firmament will be discussed in Chapter 9. A development in his representation of these exempla from the *De oratore* to the rhetorical works written a decade later is discernible only for Demosthenes, who appears much more prominently in later treatises. Demosthenes' later significance may in part be a reaction to the debate on the 'Attic' and 'Asiatic'

³¹⁷ L. Caecilius Metellus, who as tribune (49 BC) tried to forbid Caesar access to the sacred treasury, and Q. Caecilius Metellus Pius Scipio, who was proconsul in Syria (49–46 BC) and a Pompeian (see *MRR*).

retorical styles flourishing in the 40s bc, because Demosthenes' example illustrated the distinction to be simplistic and is not applicable to great orators such as Demosthenes and, by implication, Cicero. Another reason for Demosthenes' prominence may also be related to Cicero's project of digging deeper into the history of Roman orators and their Greek predecessors, which made him explore Demosthenes' example further.

The philosophical works present a number of historical individuals as particularly exemplary for Cicero himself. Among the many interlocutors, Laelius and Cato stand out most clearly as possible personal exempla of Cicero in that they embody the virtues of wise statesmen and good citizens in a way in which Cicero might have wished to be understood as embodying himself. Marius is a different matter in that he is used as both a positive and negative exemplum, but his ostensible appearance in Cicero's dream about his recall of exile suggests that Cicero still thought Marius' exemplum worth proposing in connection with his own political status. Cicero's employment of Marius may be connected to Caesar's dominant position, as may indeed the lack of references to Metellus Numidicus, whose few politically active relatives openly opposed Caesar.

Cicero's presentation of personal exempla in these treatises is not devoid of political messages. His choice of personal exempla such as Cato Maior in the *De senectute*, Marius in the *De divinatione*, and his avoidance of Metellus Numidicus could all be read in the context of Caesar's dictatorship. Moreover, his presentation of these and other personal exempla help him to display his occupation with philosophical and rhetorical studies as well as his choice of abstention from daily political life as not only honourable and prudent but also as precedented. However, there is no discussion of *homines novi* and their fight for recognition.

Cato's *novitas* is not discussed in the *De senectute*, nor that of Marius in the references to him. Cicero furthermore continues to avoid the mention of Antonius' background. The theme of *novitas* was clearly of less importance or of less convenience in this period compared to earlier in Cicero's career. He was now a consular, ex-proconsul, and even augur (priest of the college of augurs); his lack of political influence was now due not to his *novitas* but to the changed political circumstances. His political message was therefore not directed against arrogant *nobiles* but against the dictator, although his criticism is subtle and subdued. In his letters, we hear of his plans to emulate Aristotle's and Theopompus' letter of advice to Alexander in a letter to Caesar, but his decision to give it up indicates the difficulty in navigating successfully in Roman politics under Caesar's power. It was much safer to stick to oratorical and philosophical models and treatises on rhetoric and philosophy. Cicero's discussion of Asiatic versus Attic style taps into a contemporary debate, but again this discussion is more rhetorical than political.

On the other hand, Cicero's focus on Roman oratory, in particular the history of Roman oratory in the *Brutus*, can be read as Cicero's glorification of an age in which orators and politicians could excel within the *res publica* without the fear of a dictator. In a similar way, Cicero's grand project of expounding Greek philosophy in Latin aimed partly at teaching the young generation how to act in a morally right way might be interpreted as his response to a political situation in which political sympathies and oppositions were often based on less morally sound ground than he wished for. Moreover, the setting and the interlocutors of the first version of the *Academica* have been interpreted as Cicero's most merciless condemnation of Caesar's regime in that they constitute a funeral speech of the epoch of the free *res publica* preceding Caesar's dictatorship.³¹⁸ The *Brutus* can be read in a similar way. Furthermore, his emphasis on the virtues of the true statesman can be seen as an intellectual's subtle suggestion to a powerful dictator of alternative ways of managing political power and gaining *dignitas*, even if Cicero had already been interested in this theme in the *De republica*. Cicero's identification with Laelius and Cato is to a certain extent an expression of Cicero's despair at the current political situation and a signal to Caesar and his followers of Cicero's adherence to the men and institutions of the old *res publica*. As such, these works serve to add a further layer of intellectual and political wisdom to Cicero's public persona.

A LIVING EXEMPLUM

Caesar was murdered on the Ides of March 44 BC by a large number of senators led by M. Brutus and C. Cassius. In the resultant political power vacuum, M. Antonius quickly found his place as avenger of Caesar, and Cicero expected the two tyrannicides to take their places as restorers of the *res publica*. Cicero kept himself out of the political game, arguing that he was too old and tired to fight for a restoration of the *res publica*.³¹⁹ The murder interrupted his project of expounding Greek philosophy in Latin, but he was intent on finishing it and tried to keep himself out of politics. He did manage to complete the *De divinatione*, the *De fato*, the *De gloria* (now lost), and the *De amicitia* in these turbulent months after the death of Caesar. These later philosophical works, except for the *De divinatione*, were influenced by the

³¹⁸ Lévy (1992) 635 with Griffin (1997b) 8–10. For Cicero's theoretical treatises in this period as political expressions see the brief discussion in Habicht (1990) 71–5.

³¹⁹ Cic. *Att.* 14.10.1, 14.13.2, 14.19.1, 14.20.4, 14.21.3, 15.1.5, 15.5.1, 15.9.2, 15.10. Cicero's references to the *De senectute* can be interpreted as a sign of his inclination to retire.

changed situation in that Cicero here tried to deal with the moral implications of the death of the dictator and the resulting situation of the *res publica*.³²⁰

During the summer of 44 bc, Cicero was on his way to Athens to visit his son, when he decided to turn around and return to Rome. Favourable news about opposition to M. Antonius and less favourable news about the public view of Cicero's decision to leave Rome pulled him back.³²¹ In Rome, he reacted to Antonius' continued verbal attacks and the developing political situation by delivering a number of speeches which he was later to call his *Philippics*.³²² In these, Cicero increasingly stepped up his rhetoric and his political demands against Antonius' power, and the *Philippics* have been read as Cicero's last attempt to save the *res publica*. One of Cicero's main forms of argument in these speeches is references to historical exempla.

Cicero's last extant theoretical treatise, the *De officiis* written in the autumn of 44 bc, was also very coloured by his perception of the political situation, arguing, amongst other notions, that tyrannicide was a justifiable action.³²³ His exposition of the moral code of conduct used historical exempla of both ancient and recent actions and events. Finally, his letters of this period are many and full, supplementing the speeches well. However, they contain almost no personal exempla and therefore do not merit a discussion on their own here.³²⁴ Taken together, these three sets of sources give important insights into Cicero's thoughts and intentions in the period after the murder of Caesar. Might they also help further our understanding of Cicero's personal exempla and his attempts at building up a public persona?

One returning possible personal exemplum is that of Demosthenes. We have already seen Cicero referring to Demosthenes' speeches against Philip II

³²⁰ The *De gloria* is mentioned in Cic. *Att.* 15.27.2, 16.2.6, 16.3.1; *Off.* 2.31. Cf. Shackleton Bailey (1967) 289 (commentary to Cic. *Att.* 16.3.1) on the number of books in the *De gloria*. For further discussion of the possible content of this work see Philippson (1939) 1167–8; Leeman (1949) 153–6; Büchner (1964) 429–30 (who suggests that Cicero's work inspired Sallust to write his monographs); Bringmann (1971) 196–205; Long (1995b) 223–4.

³²¹ Cic. *Att.* 16.7. Cf. Ramsey (2001); van der Blom (2003).

³²² For the complex background into the composition, delivery, revision, and transmission of these speeches see Stroh (1975); Stroh (1982); Shackleton Bailey (1986b); Cerutti (1994); Stroh (2000); Hall (2002); Ramsey (2003) 1–28; Manuwald (2004); Manuwald (2005); Manuwald (2007) vol. 1, 1–143.

³²³ Cic. *Off.* 3.83–5. Some of the thoughts on the tyrant and the difference between true and false glory may have been developed already in the *De gloria*. See Lintott (1999a) 54–8; Pina Polo (2006); Wiseman (2009) 177–210 on tyrannicide. Gelzer (1969b) 357, and Bringmann (1971) 90–1 argue that the *De officiis* does not belong to the group of Cicero's other philosophical treatises in terms of motivation, time of composition, form, and purpose. It therefore makes sense to group this work with the letters and speeches after the Ides of March 44 bc rather than with the other philosophical treatises of 45–44 bc.

³²⁴ Cicero's comparison between Nestor and himself in a letter to Dolabella is discussed in Chapter 10.

as an exemplum for his own collection of consular speeches.³²⁵ However, Cicero also called his speeches against M. Antonius in 44–43 bc his *Philippics*, suggesting an imitation of Demosthenes' programme.³²⁶ Indeed, it could be argued that these *Philippics* against Antonius were closer to their model, at least in Cicero's perception, as Cicero was speaking against an enemy of the state whom the other leading politicians were less willing to oppose, as Demosthenes had done against Philip II.³²⁷ Cicero refers to Demosthenes' example in a discussion of Brutus' speech delivered two days after the murder of Caesar in order to point out that Brutus could have combined the so-called Attic style with forceful rhetoric.³²⁸ In this way, Cicero seems consciously to have thought about Demosthenes in these years and also to have wished to make other people notice his emulation of the great Greek orator. In other words, Demosthenes is presented as a personal exemplum of Cicero's.

Within the *Philippics*, however, there are no personal exempla to be found. Cicero presents a great number of historical exempla and exhorts other people to follow these, but instead of presenting himself as following particular exempla, he sets himself up as an exemplum in that his past actions and achievements as consul are exemplary and that they should therefore be followed in stopping Antonius.³²⁹

A few of the historical figures examined as potential personal exempla in other Ciceronian works crop up in the *De officiis*: aspects of Crassus' oratorical talent and political actions are presented as exemplary in several passages, and he is again termed *sapientissimus*.³³⁰ Likewise, although in fewer instances, are Scaurus and Scaevola Pontifex mentioned as exempla.³³¹ Laelius and Scipio are mentioned too, but their image is less clear cut in comparison with earlier references and the references very short. However, the fact that Cicero praises Laelius for his wisdom and Scipio for his lack of corruption underlines the image previously seen, which probably reflected the general public image of the two and which could support Cicero's public persona as a wise statesman.³³²

³²⁵ Cic. *Att.* 2.1.3. See the section 'Demosthenes' in this chapter.

³²⁶ Cic. *Ad Brut.* 2.4.2.

³²⁷ Indeed, Hall (2002) 300–1 suggests that Cicero's debt to Demosthenes was not so much in terms of style but rather in terms of historical situation in that Cicero may have wished to parallel his own attack on Antonius with Demosthenes' attack on Philip II of Macedon and that Demosthenes' role as a prominent statesman was adopted by Cicero in his *Philippics*.

³²⁸ Cic. *Att.* 15.1a.2.

³²⁹ Cic. *Phil.* 6.17, 8.14–15, 10.5, 11.23, 14.14.

³³⁰ Cic. *Off.* 1.108, 1.133, 2.47, 2.57, 2.63, 3.47 (*sapientissimus*).

³³¹ Cic. *Off.* 1.108, 2.57, 3.47, 3.70. Cf. 1.138 in which Scaurus' achievement of reaching the consulship is praised.

³³² Cic. *Off.* 1.108, 2.40, 2.76, 3.16.

Marius is not a frequent figure in these works either. In the *De officiis*, Cicero uses Marius' exemplum in his argument of how one should always aim for honour rather than benefit, and he refers to Marius' violent means to reach the consulship:

But when the rewards are very great is there not a case for wrongdoing? Gaius Marius was far from the hope of a consulship, remaining in obscurity still in the seventh year after his praetorship, and he was looking as if he would never even stand as a consul. He was sent to Rome by his general Quintus Metellus, a fine man and citizen, whose legate he was. Then, in front of the people of Rome, he charged Metellus with prolonging the war, saying that if they would make him consul he would in a short time reduce Jugurtha, alive or dead, into the power of the Roman people. And so he was indeed made consul; but he departed from faithfulness and justice by arousing hostility with a false accusation against an excellent and most respected citizen, even though he was his legate and had been sent by him (80) (81) . . . Does it become the good man to lie or slander for his own profit, or to usurp or to deceive? Unquestionably, no.³³³

Here, Cicero makes Marius into a negative historical exemplum and, in fact, a contrast to the ways in which Cicero wanted to display his own climb up the *cursum honorum*. In other words, Marius is here a negative personal exemplum for Cicero. Cicero was not blind to Marius' less praiseworthy actions, as illustrated by his censure of Marius' treacherous behaviour in the *De natura deorum* from 45 BC. In that passage, Marius was employed by the interlocutor Cotta as a general historical exemplum to illustrate a philosophical point, whereas the passage in the *De officiis* is delivered by Cicero himself and forms part of his vision of correct behaviour in the republic. The positive image of Marius in the *De divinatione* written in the months around Caesar's murder in 44 BC is contrasted with the negative image in *De officiis* a few months later. The political situation had changed dramatically since Cicero wrote the *De divinatione*: Marcus Antonius' clear pursuit of power, the republicans' passivity and, finally, Cicero's own decision to enter the fight influenced his choice of subject matter and presentation of historical exempla in the *De officiis*. Where Marius may still have appeared a useful personal exemplum in the

³³³ Cic. Off. 3.79–81 (transl.: Griffin and Atkins (1991)): 'At enim cum permagna praemia sunt, est causa peccandi.' C. Marius, cum a spe consulatus longe abesset et iam septimum annum post praeturam iaceret neque petiturus umquam consulatum videretur, Q. Metellum, cuius legatus erat, summum virum et civem, cum ab eo, imperatore suo, Romam missus esset, apud populum Romanum criminatus est, bellum illum ducere; si se consulem fecissent, brevi tempore aut vivum aut mortuum Iugurtham se in potestatem populi Romani redacturum. Itaque factus est ille quidem consul, sed a fide iustitiaeque discessit, qui optimum et gravissimum civem, cuius legatus et a quo missus esset, in invidiam falso crimine adduxerit. (80) (81) . . . Cadit ergo in virum bonum mentiri emolumenti sui causa, criminari praeripere fallere? Nihil profecto minus.

early months of 44 BC, he was considerably less so in the autumn.³³⁴ Furthermore, the issue of exile had receded into the background in Cicero's considerations of political life in general and his own political position in particular. Marius' negative exemplum as a ruthless pursuer of political office in spite of moral and personal obligations became much more relevant in Cicero's thoughts. The change in attitude to Marius' personal exemplarity is the more noteworthy even if only in these single passages in Cicero's *De divinatione* and *De officiis*. The development in his employment of a single personal exemplum, Marius, may be understood as a piece in the larger picture of Cicero's thoughts on the political situation and his position therein as they developed during the crucial year of 44 BC.

The only direct comparison Cicero makes between himself and a historical figure in the *De officiis* is that of Scipio Africanus, that is, the Elder Scipio. Cicero praises the attitude of Africanus to leisure time as a period in which he pondered over the business of state, and argues that he would like to follow the exemplum of Africanus. However, the similarities are not complete, in that Africanus could choose his time of leisure, whereas Cicero was forced into political inactivity and literary studies without any influence on timing. The *De officiis* is a result of these studies and this praise of Africanus works is an introduction to the third book of this work.³³⁵ Africanus stands as an ideal that Cicero cannot hope to imitate and therefore also as a contrast to Cicero's own situation and resulting action. The inclusion of Africanus as a personal exemplum is striking given that he is not a very frequent historical exemplum in Cicero's works in general, and certainly not a personal exemplum. Dyck has suggested that Cicero's choice of Scipio Africanus' exemplum to head the third book was connected with this book's exploitation of historical material from the Second Punic War in which Africanus played a major part, and that by comparison Cato Maior's active old age was presented as more exemplary to Cicero than Africanus' way of spending his leisure time.³³⁶ This is a convincing explanation of Scipio Africanus' inclusion as a historical exemplum here, and Dyck is right that Cato is a much more prominent personal exemplum in Cicero's works. However, it is still noteworthy that Cicero chose to present Africanus as his personal exemplum, and not simply a historical exemplum—a presentation in stark contrast to his usual employment of Africanus as a general historical exemplum of a wise and courageous

³³⁴ The entering of the false grandson of Marius on the political scene may also have triggered negative associations with Marius' name among the republican senators: Cic. *Att.* 12.49.2, 14.6.1, 14.7.1, 14.8.1; *Phil.* 1.5; *App. B Civ.* 3.3. Cf. Shackleton Bailey (1966) comm. on Cic. *Att.* 12.49.2.

³³⁵ Cic. *Off.* 3.1–4.

³³⁶ Dyck (1996) 496–7.

military commander.³³⁷ Does Cicero's choice of Africanus reflect an increased ambition as to whom he can compare himself with, given his position as consular and now adviser of the republican leaders, or did Africanus' private reflections not appear exemplary to Cicero before this point? Or is Africanus' situation and attitude simply the most elegant and convenient exemplum by which Cicero can contrast and explain his own abstention from daily political life and his literary activity as something honourable and deserving?

In conclusion, these speeches, letters, and the philosophical work *De officiis* do not give us many clues to Cicero's personal exempla. In fact, Cicero seems to have almost abandoned this technique of referring to historical figures as his models in order to promote his public persona. This is surprising as he employs almost all other kinds of rhetorical devices, including historical exempla in general, particularly in the *Philippics*, in order to convince the Senate and people of his controversial view to declare war on M. Antonius. Instead of boasting his oratorical and political authority with personal exempla, Cicero sets himself up as an exemplum to be followed both in the present and in the future, and that in speeches, letters, and the treatise.³³⁸ It seems understandable that Cicero could rest more on his own *auctoritas* at the end of his career, but we shall see in Part IV that such references to his own exemplarity were not rare throughout Cicero's career.

The shift from resting his public persona on references to personal exempla to relying on his own *auctoritas* is striking. Clearly, Cicero's consular *dignitas* was an important factor in this shift, but it cannot explain the sudden change. However, the nature of the body of material from this period might help to explain further this shift. Already speeches from the late 50s BC and the few speeches in the 40s BC presented fewer references to personal exempla than previous ones, going against the trend of increased use of general historical exempla over time. Thus, the lack of such references in the *Philippics* is perhaps a continuation of this tendency. The many letters in this period hardly contain any references to personal exempla, but neither did earlier letters. Lastly, the style of the *De officiis* did not permit the use of interlocutors as personal exempla as this was not a dialogue. Certainly, Cicero could have decided to write a dialogue *de officiis* had he wished. Whether this shift was due to the nature of the extant works in this period or Cicero's decreased need for references to personal exempla, it is still clear that there is an overall

³³⁷ For example, Cic. *Verr.* 2.5.14, 2.5.25; *Leg. Man.* 47; *Cat.* 4.21; *Mur.* 31.

³³⁸ Cic. *Phil.* 6.17, 8.15, 11.23, 14.14; *Ad Brut.* 1.10.4; *Off.* 1.2, 1.4, 1.77, 2.51. For a discussion of Cicero's self-presentation as an exemplum in the *Philippics* see Burnand (2000) 189–95. Steel (2005) 146 finds that the *Philippics* 'can be seen as the ultimate stage in Cicero's creation of himself as a public figure through writing himself as a public figure'.

tendency of fewer personal exempla the higher Cicero's influence and public persona is perceived. Likewise, his references to *novitas* become fewer the more influential he grows in Roman politics.

CONCLUSION

Cicero employed a wealth of personal exempla throughout his works with great variety in depth, sophistication, and messages. One thing all his exempla had in common was their fame among the Romans and therefore an instant recognition of these figures. Cicero's flexible use of his personal exempla show, however, that it was possible to manipulate the knowledge already present in the audience and shape an exemplum to make it fit the argument. Cicero had to take account of the associations triggered by the mention of certain historical figures and events, but he also shaped his exempla according to the subject matter of his discussion, to the literary and political context and, ultimately, to the message which he wished to communicate. The analysis of Cicero's personal exempla in different periods of his life has shown a multifaceted approach: some figures were made relevant in one specific aspect only, while others were employed to convey a range of aspects. Similarly, some figures were exploited in one or few periods whereas Cicero returned to others throughout his works. The various strands in Cicero's use of each personal exemplum now remain to be pulled together in order to establish and discuss possible developments in Cicero's usage.

L. Licinius Crassus, whom Cicero had met and studied under in his youth, is already in Cicero's speech in defence of Cluentius from 66 BC promoted as a personal exemplum in terms of his forensic oratory and political insight. Over the next decade, Cicero continued to term Crassus a great orator and prudent politician, but it is not until his treatise on the ideal orator, the *De oratore* of 55 BC, that Crassus' exemplum becomes much more pronounced as the main interlocutor in the dialogue and embodiment of the ideal orator. Cicero's elaborate display of Crassus' oratorical talent, his skills comprising rhetoric, law, history, and philosophy, and his conservative leanings, serve to promote Cicero's own views on education and the political ends to which oratory should be employed. This treatise, together with the near-contemporary *De republica* and *De legibus*, was Cicero's attempt at signalling his discontent with the political domination of the dynasts and the increasing corruption of political life in pursuit of personal agendas. The political aspect of Crassus' exemplarity is less manifest in Cicero's rhetorical treatises of the 40s BC, where Crassus' brilliant oratory is the main focus as a model for Cicero and the

young generation of emerging politicians, even if they could not make themselves an oratorical career under the oppression of Caesar's dictatorship. Freedom of speech was dead and Crassus' exemplum serves as a reminder of a glorious past as well as a measure by which Cicero can compare his own oratorical impact in the longer perspective. Crassus is a personal exemplum about to be surpassed by Cicero. Crassus' exemplarity lies in his rhetorical education and oratorical talent more than anything else. Cicero seldom focuses on particular political actions of Crassus but refers in vaguer terms to Crassus' statesmanlike behaviour. Similarly, in situations where an oratorical exemplum is less relevant, such as in the speeches after Cicero's exile or during his proconsulship in Cilicia, Cicero avoids Crassus' example. Cicero uses Crassus' figure to promote his view that the combination of oratory and statesmanship is necessary for the survival of the state. In Crassus, Cicero could mirror his own persona, thereby suggesting that he himself embodied this ideal.

Instead of Crassus, Cicero could have put up M. Antonius, another of his early mentors, as the ideal orator to imitate. Indeed, the pairing of Crassus with Antonius in many of Cicero's works could have been tilted in favour of the latter, especially given the closer similarity in background between the possible *homo novus* Antonius and Cicero. However, Cicero never refers to Antonius' ancestry. The reason for Cicero's avoidance of Antonius' background is not immediately obvious. Antonius may not himself have played on his lack of prominent forebears in his political career, but since no writings from his own hand or expressions are recorded outside Cicero's œuvre it is impossible to ascertain. Antonius' political outlook seems to have been fairly conservative after a brief *popularis* stance, but Cicero's example shows how *novitas* did not bar conservative leanings, and sometimes even reinforced these.³³⁹ Antonius may not have been seen as part of the catalogue of exemplary *homines novi* exploited by Cicero, because his father had been a tribune or because he did not himself make a point out of his background. A final possibility lies in the associations which the name Antonius could generate in the political context of the 60s and 50s BC. Antonius' son, C. Antonius Hybrida (cos. 63 BC with Cicero), was known as a brutal Sullan lieutenant, an exploiter of provincials and a violent character. His connections with Catiline as running mate for the consular elections of 64 BC, and suspected support of the Catilinarians during and after the disclosure of the plot in the autumn of 63 BC, did not help his reputation. His trial, in which Cicero defended him, and resultant exile in 59 BC was partly a political

³³⁹ Badian (1957) 331–3; Badian (1984) 122–4.

manoeuvre, but also aimed at casting this hated figure out of Rome.³⁴⁰ Cicero's own implication in the events of 63 BC, and his defence of Antonius Hybrida in 59 BC, necessitated public explanations of his standpoint regarding Hybrida.³⁴¹ References to the political views and actions of Antonius, the orator, might have accumulated associations with his evil and unpopular son, which again may have detracted from Antonius' exemplarity. A strong focus on Antonius' oratorical skills, rather than political views or background, could have helped to keep the image clear of negative associations with Hybrida.

Avoiding Antonius' background and political leanings, Cicero instead focuses on Antonius' great oratorical skills. From his early career onwards, Cicero refers to Antonius almost as often as to Crassus, presenting them as the ultimate pair of orators with complementary talents. Indeed, Cicero states that Antonius was regarded in his time as just as great an orator as Crassus. Although their figures are hardly used in Cicero's first rhetorical treatises, the *De inventione*, Cicero pairs up Crassus and Antonius in the *Verrine* speeches and in the *Pro Cluentio*. The combination of these two orators in the *De oratore* and in the rhetorical treatises of the 40s BC is therefore not entirely new, and perhaps not even Cicero's own invention. Within this pair, Cicero presents Antonius as a great orator but less of a personal exemplum than Crassus. Antonius' practical approach to learning oratory is set in contrast to Crassus (and Cicero's) emphasis on a theoretical foundation in rhetoric before practical experience, and Cicero even openly claims Crassus as his personal exemplum. The reason for Cicero's preference for Crassus as a personal exemplum over Antonius is perhaps sought exactly in this difference in approach to education. Of course, the contrast in approach is something we learn from Cicero himself, and the risk of circular argumentation lurks. On the other hand, Crassus' interest in educational policy is attested and was well known in Cicero's day as exemplified in Crassus' closure of the new school of rhetoric taught in Latin.³⁴² Cicero's choice to depict Crassus and Antonius as orators only, and not as politicians representing particular policies or, in Antonius' case, as a *homo novus*, made Cicero's message much clearer: Crassus and Antonius exemplified the command of great oratorical skills and a period in which oratorical talent was employed in the service of the state.

The other pair of exempla standing out in Cicero's treatises is that of Scipio Aemilianus and C. Laelius. Before Cicero decided to use Scipio as an exemplum

³⁴⁰ Antonius Hybrida: *RE* 19; Gruen (1973).

³⁴¹ *Cic. Mur.* 40, 84; *Flac.* 5, 95; *Dom.* 41; *Sest.* 8–9, 12; *Vat.* 27–28; *Pis.* 5; *Cael.* 74.

³⁴² *Suet. Rhet.* 26 (with *Cic. De or.* 3.93) discussed in Chapter 3.

of a great statesman in the *De republica* (55 bc), he had praised Scipio as a great orator and a military hero. These early references are brief and seem to play on standard usage of Scipio's figure, except that Cicero gives his personal spin on Scipio's exemplary military skills by comparing them to his own civil exploits against the Catilinarians. This is a typical Ciceronian way of taking a stock exemplum and employing it in a new way in order to support his particular interpretation of the situation. Scipio's image in the *De republica* as the supreme exemplum of a great statesman whom others, including Cicero, should and must try to imitate for the sake of the *res publica* mirrors the representation of Crassus in the almost contemporary *De oratore*. Similarly, the focus on Scipio's exemplum in treatises written when Cicero found himself outside direct political influence is paralleled in the emphasis on Crassus' exemplum in the same situation. Both are made to embody the skills and moral inclination necessary to preserve the state in an attempt to present Cicero's alternative vision of the *res publica* and its political life. In the *De amicitia* from 44 bc, Scipio is again part of such a vision, however not presented as a personal exemplum but instead in the supporting role to Laelius. The other references to Scipio are of a more general character. His military achievements are exemplary to all Romans in general, but not directly to Cicero who dares not compare his own small proconsular victories to those of Scipio. The fluctuation in Cicero's usage of Scipio is a result of the variation in Cicero's political situation and his response to his changing needs of suitable and effective personal exempla.

Laelius' exemplum is also only employed when Cicero found it useful. However, the larger spread of references to Laelius and the stronger similarities between Cicero and his presentation of Laelius as a wise adviser to Scipio and the civil counterpart to Scipio's military image suggest that Cicero wanted to appear to embody Laelius to a larger degree than Scipio. Before Cicero sat down to write the *De republica*, in which Laelius' role as political adviser to Scipio is spelled out, Cicero had referred to Laelius' great oratory in his early works and had invoked the pair in his suggestion to play Laelius to Pompey's Scipio in 62 bc. The advisory element of Laelius is again taken up in the *De amicitia*, where Cicero's choice of Laelius as main interlocutor provides a strong indication that Cicero thought of Laelius as an exemplary statesman and friend to another statesman in the same way as Cicero would have liked to be perceived. The fact that Laelius is presented as a personal exemplum of Cicero in treatises as well as in letters to both Atticus and Pompey provides a further clue to Cicero's insistence on Laelius' usefulness as an example for Cicero's career and thus to his confidence in the power of Laelius' exemplum. Cicero's preference for Laelius over Scipio probably lies exactly in the stronger similarities between the civil Laelius and Cicero. Cicero would certainly not

have minded if he, too, could be termed *sapiens*, at least in the philosophical sense. What Cicero avoided was any reference to Laelius' background as the son of a *homo novus*, even if this could have strengthened the picture of close rapport between the Laelius family and the Scipios, and indeed the similarities between Laelius and Cicero. As argued above, the near avoidance of the theme of *novitas* in Cicero's treatises may provide a clue if not an explanation. Laelius may not himself have made a point of his father's status (perhaps it did not matter), which would have made any such references by Cicero less credible. Perhaps Cicero tried to avoid muddling the image of Laelius' exemplary role as adviser to a great statesman by steering clear of the theme of *novitas* and all the related notions of the struggle between *nobiles* and *novi*.

Cicero had met and studied under both Scaevola Augur and Scaevola Pontifex, and throughout his career he refers to them as exemplary statesmen. However, the only reference indicating an attempt to set up a personal exemplum is Cicero's reference to Scaevola Pontifex' proconsular edict as the model for his own Cilician edict. Cicero did not otherwise make use of these models from the past as personal exempla, even if he admired their legal expertise and political wisdom. The Scaevolae were useful as background figures in Cicero's treatises and speeches because they added credibility and authority to Cicero's depiction of the historical setting of his dialogues and to the depiction of a historical past in which leading men of the state knew and acted upon their obligations to the *res publica*. However, Cicero may have thought the roles of statesmen and advisers better filled by Crassus, Antonius, Scipio, and Laelius because they were well-known politicians and orators where the Scaevolae were famous for their interests and expertise in law, in particular civil law. For his proconsular edict, the stock exemplum of Scaevola Pontifex' edict and conscientious adherence to the rules therein fitted perfectly. But for the wider promotion of Cicero's political talents and intentions, the exempla of Crassus, Antonius, Scipio, and Laelius were more appropriate.

The exemplum of Cato Maior had wider application and impact than many of the other personal exempla employed by Cicero. In his early career, Cicero referred to Cato's brilliant oratory and presented Cato's way of tackling his status as a *homo novus* as his personal model for imitation. Indeed, Cato was a constant member of Cicero's list of exemplary *homines novi* exploited throughout his career. Cato's applicability as an exemplary *novus* and successful consular to Cicero's self-advertisement as a politician to be reckoned with in spite of his background was a large factor in Cicero's choice of Cato. However, of importance too, was the immediate context in which Cicero expressed his views, as the speech in defence of Murena from 63 BC shows. In this speech, Cicero made much of Cato's exemplum precisely because the prosecutor, Cato Minor, had made references to his ancestor Cato

Maiores—a clear case of family exemplum exploited. Cicero's assertion that he also had a claim to Cato's exemplum was not only meant to undermine Cato Minor's authority as relying on that of his ancestor, but also underpinned Cicero's alternative strategy of adopting and adapting personal exempla. Notwithstanding this competition over the right interpretation of Cato's exemplum, Cicero's employment of Cato in this speech is still directed at Cato's *novitas* and political success. After a few references to Cato in the 50s BC, Cicero makes him the principal interlocutor in the *De senectute* (45–44 BC). In this work, Cato emerges not so much as a new man, but as the embodiment of the old age Cicero wished for himself, which could not be realized due to the political circumstances of the 40s BC. Cato is never expressly mentioned as a personal exemplum of Cicero, but Cicero clearly presented Cato as a model for emulation in the *De senectute*. As with the *Pro Murena*, Cicero's choice of Cato's exemplum was probably partly a result of the political context in which he wrote, although this time Cicero employed Cato in defence of rather than opposition to Cato Minor: the literary competition over the right interpretation of Cato Minor's suicide at Utica in 46 BC made Cato Maior's exemplum even more relevant as an indirect channel through which to express admiration and approval of the Catos. However, Cicero had already expressed his thoughts on Cato Minor directly in his *Cato*, and the portrayal of Cato Maior in the *De senectute* is not simply an appraisal of Cato Minor and criticism of Caesar's dictatorial position, but also an attempt to picture a state in which an experienced consular is allowed to divide his time between useful work (*negotium*) in the service of the state and pleasant leisure time (*otium*) in pursuit of intellectual studies: a lament for the old age Cicero cannot have and again a subtle censure of the political system dominated by Caesar. Cato's exemplum has thus developed alongside Cicero's career and situation from being an inspiring *homo novus* to an experienced and influential consular and intellectual.

The conservative *nobilis* M. Aemilius Scaurus was a less obvious exemplum for Cicero to present as relevant for his own career because of Scaurus' background, and he is not used as extensively as other personal exempla. Cicero admired Scaurus' stern optimate views and attempted to adopt the figure of Scaurus as a model for himself by claiming him to be similar to a *novus* in his exemplary election to political office by his high moral standing and unwavering ambition. Cicero presented Scaurus as a quasi-*novus* in the speeches *Pro Murena* from 63 BC and *Pro Scauro* from 54 BC, in which Cicero felt the need to discuss the virtues of *homines novi* and his own success as a *novus* consul. His choice of Scaurus in the speech in defence of Scaurus' son is not surprising as the father's great *auctoritas* could support the claims of both the defendant and his advocate. However, Cicero's explicit mention of

Scaurus' quasi-*novitas* and its exemplarity to Cicero personally cannot be explained solely as an appropriation of Scaurus for the sake of the defence. An element of Cicero's self-defence of his own position in politics, independent of the Scauri, plays a part too. Furthermore, the parallel depiction of Scaurus' quasi-*novitas* in the *Pro Murena* years before confirms that Scaurus' exemplum was not just relevant for the occasion of the *Pro Scauro* but a convenient figure to bridge *nobilis* status and the virtues of *novi*. The fact that Cicero includes Scaurus as part of a longer list of exemplary *homines novi* in the *Pro Murena* should probably not be read as testimony to Scaurus' general inclusion in the standard list of such new men, as this inclusion could be an exception, but rather as yet another way in which Cicero exploits a stock exemplum or list of exempla by altering it to suit his own agenda. In his rhetorical works, Cicero recognized the limits to Scaurus' oratory, but he still found that this disadvantage was balanced by Scaurus' great dignity and authority. Indeed, the image of Scaurus' *gravitas* and *severitas* is further reinforced in these works. Cicero's purpose of employing Scaurus' exemplum was clearly to set him up as a model quasi-*novus* who climbed to political heights through virtue and diligence, but nevertheless possessed and expounded a conservative political outlook in the interests of the state. Cicero's own political strategy had always been founded on his superior oratorical skills; when excluded from direct political influence he made sure to promote his political persona through his speeches and his literary texts. It is ironic that Cicero reached the consulship and promoted his consular *dignitas* through his great oratorical talents, when this was exactly the skill which Scaurus lacked. There were, after all, limitations to the similarities between model and follower.

Cicero shared a similar background with Marius in terms of their Arpinate origin and *novitas*. Cicero makes references to Marius' exemplum in almost all genres of his work: speeches, poetry, letters, and philosophical works. Furthermore, we have seen that he refers to various aspects of Marius' life and actions as exemplary and with a variety of messages. Indeed, Cicero presents Marius as a personal exemplum only in certain situations and contexts: Marius' *novitas* was useful for Cicero's argument against the corrupt senatorial jury of 70 BC and for his defence of the quasi-*novus* Murena in 63 BC. Marius' vigorous action against the rebellious Saturninus also appealed to Cicero in his defence of Rabirius the same year. At the time of his return from exile, Cicero found Marius' exile and return to Rome an appropriate way to contrast his own extraordinary recall and good intentions towards the *res publica*, whereas Marius' role in Cicero's eponymous poem suggests divine sanction of Cicero's recall. It is striking that Cicero nowhere presents Marius' great military achievements, *popularis* political outlook or his methods of

obtaining political offices as an example for himself.³⁴³ Indeed, Cicero is very selective in his use of Marius' exemplum.

Scholars such as Gnauk and Lavery have argued that Cicero's selectivity is an expression of fluctuations in Cicero's view of Marius, reflecting Cicero's innermost feelings about the great general.³⁴⁴ I would be reluctant to read Cicero's feelings into these references to Marius; we cannot know or prove what Cicero really thought in private. Instead of this psychological explanation, I would propose a more rhetorical and political explanation, namely that these fluctuations in Cicero's references to Marius reflect the relevance of Marius' exemplum depending on the immediate political situation and Cicero's chosen rhetorical strategy to deal with this situation. Marius was less relevant for Cicero during his proconsulship in Cilicia, for example, and he does not refer to the general as an example. When Marius could be used as an appropriate negative exemplum, Cicero embraced the opportunity, as we saw in the *De officiis*. Instead of an 'inward dissociation' ('innere Abkehr') from Marius, as Gnauk expresses it, I would rather see this as the experienced orator's careful and flexible use of a well-known historical figure.³⁴⁵ This conclusion fits with the analysis on Cicero's flexible use of historical exempla in general.

Cicero's choice of Marius was a result of the immediate political situation, of the audience, of Cicero's role as an advocate for himself and others, and as a writer on philosophy. In front of an equestrian audience of jurors, he could refer to his *novitas* by the exemplum of Marius, and his praise of Marius in the *Post reditum ad populum* was probably not wasted on the *populus*. The philosophical setting of Marius' exemplum in the *De divinatione* and the *De officiis* might also have been accepted by the elite reading audience. Indeed, it would have appreciated how Marius' exemplum could be used for both positive and negative lessons, as Cicero did in the *De divinatione* and the *De officiis* respectively. What we do not find is a praise of Marius' *popularis* policies or his actions in the civil wars of the 80s BC in front of a senatorial audience, or a reference to Marius' *novitas* during Cicero's years outside political influence.

Cicero's avoidance of Marius' *popularis* image is in contrast to Caesar's extensive references to Marius in connection with his own *popularis* measures,

³⁴³ Noted also by Gelzer (1969b) 151; Mitchell (1979) 45.

³⁴⁴ Gnauk (1936) 27–8, 33–4, 37, 50, 57–8, 64–7; Lavery (1971) 136–7, 141–2. For more balanced views combining psychological and historical reasons see Carney (1960a) 85, 115, 121 (building on Gnauk); van Ooteghem (1964) 26, 28; Rawson (1971) 77; Mitchell (1979) 45–51; Diehl (1988) 122–5; Evans (1994) 9–10; Werner (1995) 209–14. I agree entirely with the views expressed in the brief article by Santangelo (2008).

³⁴⁵ Gnauk (1936) 64.

at least in the 60s BC. There seems to have been a competition between the two politicians over the right interpretation of Marius' memory, perhaps culminating in the murder trial of Rabirius in 63 BC. However, this competition was rather more over which aspects of Marius' memory to emphasize, *popularis* image against conservative consular stance, than over who was the truer imitator of Marius' *popularis* stance. It is difficult to connect Cicero's usage of Marius' exemplum in general with Caesar's rise to power, but the fact that Cicero and Caesar used Marius' exemplum to convey such different messages is in itself suggestive of such a competition. Similarly, variations in Cicero's employment of Marius in his works of 44 BC could be read in connection with Caesar's fall and the resultant political situation: when Caesar and the Caesarians were in power, a positive interpretation of Marius was a safe option, whereas Marius' figure could be presented in negative terms in the *De officiis*, when Caesar was no longer around and Cicero worked on sorting out moral obligations and implications in the new political situation.

Marius is the only exemplum extensively exploited in all genres of Cicero's works and promoted in front of varying audiences. Furthermore, Cicero's representations of Marius fluctuate greatly in terms of actions of Marius and of Cicero's judgement of Marius' usefulness as a model. Did these fluctuations in Cicero's references to Marius affect Cicero's credibility? It is extremely difficult to estimate the impact on Cicero's audience. What we do know is that Cicero was successful in most of the speeches, and that his poem and theoretical treatises were widely read. But we also know that Cicero was ridiculed for his *novitas* by Clodius, his brother Appius Claudius, and other *nobiles*. Would they have looked favourably at Cicero's boastful remarks about his own exemplary rise to political power because of his *novitas*, and thus his references to Marius as a *homo novus*? Might they not have thought Cicero's triumphant comparison between his recall and Marius' return to Rome over the top? Perhaps, but Cicero continued to make references to Marius and other historical exempla and he continued to have success in the law courts and with the reading public. Cicero employed other personal exempla throughout his career, but his choice and employment of Marius is striking because of the ambiguities presented by the similarities and differences between model and follower and Cicero's vacillation between praise and blame. This variation implies that Cicero was very conscious of his use of Marius, and the impact of Marius' example on his audience, both immediate and in the long term, and hence his own persona. The many and varied references to Marius throughout Cicero's career and in all genres suggest that the exemplum of Marius formed an important part in Cicero's rhetorical and political strategy as a *homo novus*, a strategy tailored to navigate the political game of ancestral status.

Alongside Marius, Cicero referred to the exile and recall of Q. Caecilius Metellus Numidicus as an exemplum of an unjustly exiled consular restored to political status by his recall. It is noteworthy that Cicero already in the *Pro Cluentio* of 66 BC mentions Metellus' problems in dealing with the tribune Saturninus, albeit without touching on the resulting exile. This instance shows that Cicero was well aware of Metellus' case and anticipated recognition in his audience too. His extensive use of Metellus' exile and recall in his speeches after his return to Rome confirms not only his detailed knowledge of the events surrounding Metellus' exile but also the effect of Metellus' name among the audience. Cicero's message of his own exile and recall being more glorious than that of Metellus forms part of his justification of his decision to go into exile, and of the actions which led to it, presenting Cicero as not only an unjustly exiled consular, but a recalled one too, in spite of his lack of prominent family members to speak on his behalf. The fact that his recall was supported by the Senate, the *equites*, the people, and all of Italy, and not just his family, illustrates that in the absence of influential family members to speak his case, all groups and institutions of the state could be argued to take over the place of the family. The development from extensive exploitation of the parallels and differences between the exile of Metellus and of Cicero in the speeches immediately after his recall to a comparison between the motivations behind their exile in later speeches of the 50s BC could be read as Cicero's response to criticism of his stance and as a response to the changes in his own situation. After his surrender to the power of Caesar, Pompey, and Crassus, Cicero had to dig deeper into the exemplum of Metellus in order to explain his own motivations for leaving Rome and his own political integrity. Cicero's references to Metellus in both speeches and letters from the 50s BC suggest not only that he considered Metellus as a relevant model for himself, but also that he spread his promotion of Metellus' exemplum over different media in order to reinforce the message and reach the widest possible audience. Metellus is the most regular and most developed exemplum among the exile cases; a fact which must be seen in light of the political influence of several Metelli in the 50s BC. When the power of the Metelli declined in the 40s BC, Cicero stopped referring to Metellus Numidicus when discussing his exile.

The two other (Roman) exiles used by Cicero to compare and contrast his own exile are P. Popilius Laenas and L. Opimius. Popilius often forms a pair with Metellus, for example in the early reference in the *Pro Cluentio* and in the first speeches delivered after Cicero's return from exile in 57 BC. Metellus is, however, always the more extensively used exemplum of the two, which can be explained by the relative prominence of Metelli and not Popilii in the political life of the 50s BC; indeed, Popilius' exemplum is dropped quickly after Cicero's initial speeches *post reditum*. The exemplum of Opimius was slightly different in that

his punishment of the supporters of C. Gracchus under the cover of a so-called *senatus consultum ultimum* could be seen as a parallel and precedent to Cicero's execution of the Catilinarian conspirators. Cicero glosses over the fact that Opimius was not exiled in the subsequent trial testing his actions against the Gracchans and only exiled a decade later, formally in a different case, so as to make Opimius' case appear closer to his own. He refers to Opimius' exemplum in the Catilinarian speeches, but much more in the *Pro Sestio*, the *In Pisonem*, and the *Pro Plancio* when the exile of Opimius could be presented as making the parallels with Cicero's case even stronger. I have already suggested that Cicero's references to figures playing part in the most politically explosive events of the period 133–100 BC cannot be read in a vacuum, but must be considered part of an ongoing debate, even contest, about the right interpretation of the struggle for political power between the Senate and the tribunes. The possible competition between Caesar, Cicero, and others in the 60s BC over the interpretation of Marius' legacy can be seen in a similar light. So too, can Cicero's references to Cato Maior in both the *Pro Murena* and in the *De senectute*, albeit for different purposes. Cicero's interpretation was not the only one around, and the traces of both alternative versions and Cicero's own careful use of these exempla illustrate this fact.

The references to Themistocles and other Greek exiles such as Miltiades and Aristides cannot be read in the same way as they are not Roman exempla and therefore not directly part of the Roman tradition. But they are important in their own right, especially as Cicero's usage suggests the existence of a catalogue of Greek exiles parallel to a Roman catalogue, both exploited in the *De republica*. Themistocles' exemplum is used throughout Cicero's oeuvre and for a variety of messages, but unsurprisingly the longer references cluster in Cicero's post-exile works. Cicero's general usage of Themistocles confirms the observation that Greek exempla appear much more frequently in letters and treatises, and the inclusion of Themistocles in the speech *Pro Sestio* therefore attests to the importance of his figure in the catalogue of unjustly exiled politicians, whether Greek or Roman. The brief references to Alexander the Great, Aristotle, and Theopompus as exemplary figures to be emulated, theoretically, are again only found in Cicero's letters, and Cicero admits his failure to live up to their achievements. To close correspondents such as Atticus and Caelius, this use of foreign exempla functioned as part explanation of Cicero's intentions, if not accomplishments. Atticus and Caelius were unlikely to scorn inclusion of non-Roman exempla, by contrast to the audience of Cicero's orations.

The clearest non-Roman example among the figures which Cicero consistently and elaborately tried to present as his models is Demosthenes, but again only in his letters and treatises. Cicero is already making the explicit connection between Demosthenes' *Philippics* and his own consular speeches in his

letter concerning circulation of his consular speeches in 60 BC. In the *De oratore* (55 BC), Cicero continues to laud the oratorical skills of the Greek orator, and he is set up explicitly as a personal exemplum and the greatest orator of all times in the rhetorical works of the 40s BC. Cicero again sees, and wants Brutus to see, parallels between Demosthenes' *Philippics* and his own speeches against Antonius in 44–43 BC. Where Cicero drew various aspects of Themistocles forward, Demosthenes is almost always an exemplary orator. This could be read as a limitation of Demosthenes' force as an example, but should perhaps rather be understood as Cicero's decision not to blur the image of his favourite oratorical exemplum by inclusion of other aspects. Cicero only refers to Demosthenes in his rhetorical works and in letters to equally intellectual correspondents such as Atticus and Brutus, who would appreciate the similarities between Demosthenes and Cicero and perhaps even be convinced that Cicero was the Roman equivalent to Demosthenes' supreme oratory. By comparing himself to the greatest orator of Athens, Cicero could present himself as the greatest orator in Rome, as a Roman Demosthenes.³⁴⁶

A final important orator presented as a personal exemplum is Q. Hortensius Hortalus, with whom Cicero competed and cooperated in the law courts and political arenas throughout his career. Cicero's decision to honour Hortensius in the treatises *Academica*, *Hortensius*, and *Brutus* was not just his answer to a moral obligation, but also a medium through which Cicero could lament the golden days of the past when the *res publica* functioned and orators were free to express their opinion and talent. Hortensius is presented as the oratorical rival whom Cicero needed to excel in order to show his own pre-eminence. Where Demosthenes is unsurpassable and only allows equivalence, Hortensius performs the backdrop against which Cicero can show his own unmatched brilliance.

The exempla of Crassus, Antonius, Scipio, Laelius, Cato Maior, Hortensius, and Demosthenes are most prominent in terms of attention and detail in Cicero's rhetorical and philosophical treatises. These treatises were aimed at a small audience of intellectuals within the Roman elite, often Cicero's friends, who would have known these historical figures and either accepted or disputed Cicero's interpretation of them. The limited audience meant that Cicero's message of emulation was not communicated to people outside this group of intellectuals, that is, not to the *populus*, or to the senators and *equites* outside the selected group of recipients of these works. As such, these presentations of personal exempla could only help Cicero build up his persona towards this

³⁴⁶ Cf. Gelzer (1969b) 269.

select group. We must remember, however, that Caesar's well-attested intellectual interests and direct interaction with Cicero's works indicate that among this intellectual elite we find some of the most powerful and prominent politicians of Cicero's day.³⁴⁷ Seen in this light, Cicero's projected persona in both letters and treatises had potential political impact too.

The references to Laelius and Demosthenes in Cicero's letters to Atticus and Brutus must be interpreted in a similar way. By emphasizing the same exempla in both treatises and letters, often aimed at the same audience, Cicero could reinforce his message. Cicero did mention Crassus, Antonius, Scipio, Laelius, and the Scaevolae briefly in his speeches, and when he did so he often lauded them for their actions on behalf of the state, sometimes implying that they possessed exemplary qualities. The wider audience for these references would probably have known the names of these historical figures and understood Cicero's message, but they might not have been in a position to judge whether Cicero's interpretation was plausible or not. Nevertheless, these references could help Cicero build up his image as a politician following the good example of the wise ancestors.

The exempla of Metellus, Popilius, Opimius, and Scaurus are found primarily in Cicero's forensic and political speeches. The audience would have consisted of juries comprising senators and *equites*, and of the general *populus*. Cicero's message, and thus his attempt to build up a public persona, would have reached a wide audience and therefore had a great impact on his general credibility as politician and advocate. Cicero's references and detailed discussion of Metellus', Popilius', Opimius', and Scaurus' achievements give strong indications that the audience would have known at least the names of these figures and their most famous actions. The audience did not need to know the exact details of their lives in order to take in Cicero's message; Cicero's description clearly underlined the laudable aspects, leaving his audience in no doubt about his own excellent achievements.

The distinction between personal exempla employed in the speeches on the one hand and in the letters and treatises on the other mirrors the difference in Cicero's choice and employment of general historical exempla between the genres. Subject matter made oratorical models much more relevant in

³⁴⁷ Caesar read a poem of Cicero (Cic. *Q Fr.* 2.16.5, 3.6.3, 3.7.6); Caesar's work *De analogia* was dedicated to Cicero (Cic. *Brut.* 253; Suet. *Iul.* 56.2); Cicero commented favourably on Caesar's Latin style (Cic. *Brut.* 252–5, 261–2); and Caesar favourably on Cicero's (Cic. *Att.* 13.46.2). When Caesar visited Cicero's villa as a dinner guest in late 45 bc, the talk was on literary matters only (Cic. *Att.* 13.52.2). The fact that the controversy over the right interpretation of Cato Minor's suicide in 46 bc took the form of literary works (the *Catos* and the *Anti-Catos*) underlines the literary medium of politics in general and between Cicero and Caesar in particular. For the early reception of Caesar's works, see Kraus (2005).

rhetorical treatises, famous statesmen appropriate in political treatises, while specific political actions by past politicians such as Metellus and the other exemplary exiles were better suited to support particular points in a speech. Timing also made a difference, because some exempla were more useful for comparison when Cicero perceived himself as politically influential. The impact of audience must also help to explain the near absence of personal exempla of non-Roman origin in the speeches, while Demosthenes, Themistocles, Aristotle, and Alexander crop up in the treatises and letters. The only personal exemplum which truly transcends all genres is that of Marius, yet again tailored to the specific occasion.

Exemplary *homines novi* also appear in all genres of Cicero's works, but they are most prevalent in his speeches. Among the *novi* exploited, Cato Maior, Q. Pompeius, Marius, C. Fimbria, C. Coelius/Caelius, and T. Didius all appear as part of a list of exemplary new men in the *Verrine* speeches and in the *Pro Murena*. Even if Cicero may have expanded the list, Cato Maior was probably a recognized exemplum before Cicero drew on him. Of these new men, Cato and Marius were the most extensively explored and exploited exempla in Cicero's oeuvre. To these he added Scaurus whose (faded) *nobilitas* made him a very unlikely member of this list. Yet, Cicero argues on two separate occasions that Scaurus had to work as hard and virtuously as a *novus* in order to obtain political office and thereby inspired Cicero to do the same. The inclusion of Scaurus shows the way in which Cicero could play around with the notion of *novitas* and its claimed ideology, underlining the flexibility of this term. More surprising is Cicero's avoidance of references to Antonius' *novitas* and to Laelius' status as the son of a successful *novus*. Clearly, Cicero could have utilized the similarities in background to further cement Antonius' and Laelius' exemplarity for himself. It seems unlikely that Cicero was not aware of these facts given his detailed study of both characters in his treatises. I have suggested various reasons for Cicero's avoidance, of which the most compelling seems to be a concern on Cicero's part not to blend the role as political adviser and wise statesman accorded to Laelius with issues of *novitas* and, similarly, not to blur the picture of Antonius as a towering figure in Roman oratorical history with questions of ancestry and related political aspirations.

Cicero makes references to *homines novi* throughout his career, except for the very end, but he is particularly expressive in the fifth *Verrine* speech (70 BC), during his consular year and in his speeches *Pro Scauro* and *Pro Plancio* from 54 BC. It may not be possible to find one factor to link these particular instances of *novitas*-discussion, but a couple of elements do seem to play a part. In 70 BC, Cicero was about to take up office as curule aedile, and when he circulated his fifth speech against Verres, it was clear that it was a

great forensic victory for the hopeful new man. At this point, he could use the ideology of the *homines novi* to drive home his point about senatorial corruption and equestrian competition, whilst promoting his own position as a successful advocate and politician in spite of his humble origin. A similar, yet far more outspoken, boast is expressed in the *De lege agraria* and the *Pro Murena* from Cicero's consulship. As consul he could afford the self-praise, and compare himself to past new men, even argue that he stood above them. In 54 bc, the situation was very different. Cicero was a consular and recalled exile, but his political independence had been reined in by the dynasts. In the *Pro Plancio*, Cicero's reference to *novitas* is directly related to Plancius' background and Cicero's justification for taking his case. The defence of Scaurus, however, did not necessitate references to new men, yet Cicero made a great deal out of the *novitas*-like features of Scaurus *pater* and his exemplarity to Cicero, which can be read as Cicero's subtle attempt to reassert himself in the political game. From Cicero's example it seems that references to past *novi* may have been useful once a political career was well underway rather than at the very beginning, but also that *novitas* could be explored later in the career to highlight personal achievements and a political persona.

It is remarkable that Cicero, a *homo novus*, chose to present both *novi* and *nobiles* as his personal exempla. One of the reasons for this combination of exempla may be connected to the fact that Cicero selected specific aspects of specific historical figures and left out other aspects that were not directly relevant to the issue at hand. Metellus, for example, was relevant as an exile, but not as a politician, whereas Marius' experiences as *novus*, consul, and returning exile were pertinent, unlike his *popularis* policy or military exploits. Another reason which might help explain this fact could be related to the possible political message that Cicero strove to bring across. Cicero's choice of the *nobilis* Scipio to embody the ideal statesman might be read as an indication of Cicero's (image of) conservatism, or as Cicero's attempt to appeal to the *nobiles* of his own day in order to gain a foothold in their midst.³⁴⁸ Given that certain *nobiles* such as the brothers Clodius and Appius Claudius scorned Cicero's background and success, Cicero might have deemed it more useful to refer to a *nobilis* of the past who was possibly better known and accepted as a role model by his peers.

The exemplum of Scaurus is crucial for understanding this issue. Cicero's presentation of Scaurus as the perfect mix of *novus* qualities such as *virtus* and *industria*, and *nobilis* qualities such as *dignitas* and conservatism gives a clear

³⁴⁸ Morstein-Marx (2004) 207–30 looks at Cicero's projection of himself as a *popularis* versus an optimate and concludes that Cicero was very successful in donning the appropriate persona in front of the varying audiences addressed, also with the help of references to historical exempla.

picture of how Cicero himself wanted to be perceived. Cicero aimed at combining qualities associated with both *novi* and *nobiles*, labels which, if not opposites, were certainly contrasting. Cicero's public persona seems to have consisted of various roles, or indeed personae, which he could put on and play around with so as to present himself in the most credible and convincing way. For that purpose, he needed many and varied historical figures as his personal exempla.

Part IV

Cicero as Exemplum

Cicero emulated historical models of behaviour as part of his conscious fashioning of his public persona, as we have seen in the previous chapters. As part of his self-advertisement, Cicero also displayed himself as an exemplum to be followed by others, and thought himself imitated at times.¹ Cicero's self-promotion as an exemplum is not always set up as a direct exhortation of others to follow his model. Yet, as we have seen for Cicero's personal exempla, praise need not necessarily include explicit mention of exemplarity to others in order to build up a position of exemplarity. Through repeated mention of particularly commendable aspects of a figure, whether in the past or not, Cicero can create the impression of excellence and exemplarity—also in his own case. His efforts to project himself as an ideal orator, politician, and author have been understood by many as an expression of his vanity and love of self,² but they could also be read as an attempt to secure a position for himself and his family for generations similar to that of the *nobiles*.³ Through a glorious reputation based on great deeds, he and his family could become an

¹ In his speeches, he is himself the sixth most mentioned exemplum of all (Bücher (2006) Anhang II). In *Cic. Att.* 1.14.6, Cicero argues that the consul of 61 BC, M. Valerius Messalla Niger performed excellently, praised Cicero and even imitated him.

² Carcopino (1951) 1.249–52; Meier (1968) 111; Shackleton Bailey (1971) 34. Syme's remarks (1939) 143–5 about Cicero's character including vanity as a spur to his actions after the Ides of March can easily be extrapolated to a general character sketch. More recently Rudd (1992) 18–26, 32. Balsdon (1965) 202–3 is more sympathetic.

³ May (1988) 42 with n. 87. See Allen (1954) for a discussion of the appropriateness of Cicero's expression of self-praise which falls out to Cicero's favour. Cf. Kennedy (1972) 101; Steel (2005) 60; Harries (2006) 194. In forensic speeches, Cicero's self-referential comments often formed part of his role as a *patronus*. For this strategy see Burnand (2004); Paterson (2004). Corbeill (2002b) 212 suggests that Cicero's wish to be read and studied derived also from a wish to set an exemplum of 'the usefulness [of] invective [oratory] for a properly functioning free society'.

accepted part of the political elite and thereby secure respect and political influence for themselves.

Cicero was very aware of the importance of reputation. In his third Catilinarian speech, he maintains that:

In return for this great service, citizens, I shall ask you for no token of merit, no badge of honour, no monument of praise—except that you remember this day for ever . . . My achievements, citizens, will be nurtured by your remembering them, will grow by people talking about them, and will mature and ripen by being recorded in literature. I know that the same length of days—which I hope will be without end—has been ordained for the memory of my consulship as for the survival of Rome . . .⁴

Indeed, it was worth much more to be remembered than to have material rewards. In the spring of 59 BC, during Caesar's overpowering consulship, Cicero worries: 'And what will history say of me a thousand years hence? I am far more in awe of that than of the tittle-tattle of my contemporaries.' (*quid vero historiae de nobis ad annos DC praedicarint? quas quidem ego multo magis vereor quam eorum hominum qui hodie vivunt rumusculos.*)⁵ He argues that he would rather have an everlasting reputation than power in the day-to-day political game of Rome, but he also knows that his future reputation rests on his actions in the present.⁶ This sentiment is echoed in a passage from the *Tusculanae Disputationes* in which Cicero maintains that great men such as Themistocles, Epaminondas, and himself have risked their lives for the sake of their country; an action motivated by a wish for immortality: 'No one would ever have exposed himself to death for his country without good hope for

⁴ Cic. *Cat.* 3.26 (transl.: Berry (2006)): *Quibus pro tantis rebus, Quirites, nullum ego a vobis praemium virtutis, nullum insigne honoris, nullum monumentum laudis postulabo praeterquam huius diei memoriam sempiternam . . . Memoria vestra, Quirites, nostrae res alentur, sermonibus crescent, litterarum monumentis inveterascent et conrobaborabuntur; eandemque diem intellego, quam spero aeternam fore, propagatam esse et ad salutem urbis et ad memoriam consulatus mei . . .*

⁵ Cic. *Att.* 2.5.1. For the DC and 'a thousand years', see Tyrrell & Purser (1904) *ad loc.*: "Six hundred" is the number chosen by the Latins to express an indefinite number . . . However, it may be questioned whether *sexcentos* is indefinite. Roman history had now extended over more than 600 years; and Cicero asks, what will be the verdict of history on him when a similar period shall have elapsed.' Cf. Cic. *ep. Caes.* fr. 7 = Nonius 47L, from Shackleton Bailey's edition of Cicero's letters, in which Cicero says: 'But what a *monument* is about, I am admonished by the word itself. It should pay regard to the memory of posterity rather than the approval of the present day.'

⁶ Cf. Cic. *Arch.* 29–30 in which Cicero argues that everybody wants glory and an undying memory, and that this wish can spur exemplary action. Cicero provided his own consulship as historical exemplum to support his claim. See Kardos (2004) for a discussion of Cicero 'monumentalized' in the inscription commemorating the construction of Porta Romana in Ostia in Cicero's consulship. For the inscription itself see Zevi (2004) 25–31.

immortality.' (*Nemo umquam sine magna spe immortalitatis se pro patria offerret ad mortem.*)⁷

In case one's reputation was not perfect, the damage to the reputation of another could compensate. In a letter to Atticus later in the spring of 59 BC, Cicero rejoices in Pompey's failure to regain his political influence after his return to Rome from Asia, because Cicero used to be upset by the thought that Pompey's actions on behalf of the state would be rated higher than Cicero's in the future. This passage is kept humorous in that Cicero refers to his own foolish vanity as an explanation of his feelings, but it still illustrates Cicero's preoccupation with his reputation.⁸ Cicero was probably not alone in comparing his successes with that of others, trying to measure his reputation with theirs.

Cicero's reputation rested not only on his own achievements, but also on those of his immediate family members. Therefore, he urges his brother Quintus to strive for a high standing which will rub off on Cicero himself:

More than any other you have helped me to gain so great a name; assuredly you will work harder than any other to let me keep it. You should not think only of the esteem and judgement of contemporaries but of posterity too; its judgement, to be sure, will be fairer, freed of detraction and malice. (44) Finally, you ought to reflect that you are not seeking glory only for yourself, though even if you were you would not think lightly of it, especially as you have desired to immortalize your name by your splendid works. But you must share that glory with me and hand it on to our children. If you make too light of it, you will run the risk of seeming to begrudge it to your family as well as of caring too little for yourself.⁹

It is important for Quintus to accrue glory not just for himself, but for his family. This was especially important for the Tullii Cicerones who, as *homines*

⁷ Cic. *Tusc.* 1.32 (Teubner). See discussion of Themistocles' exemplum in the section 'Exile and triumphant recall' in Chapter 8. For the philosophical aspects of this passage, see Gildenhard (2007a) 250–1.

⁸ Cic. *Att.* 2.17.2. Again, Cicero refers to *annos sescentos* as the time after which he would like to have a good reputation.

⁹ Cic. *Q Fr.* 1.1.43–4: *quod si ut amplissimum nomen consequeremur unus praeter ceteros adiuvisti, certe idem ut id retineamus praeter ceteros elaborabis. non est tibi his solis utendum existimationibus ac iudiciis qui nunc sunt hominum sed iis etiam qui futuri sunt; quamquam illorum erit verius iudicium, obtreptatione et malevolentia liberatum.* (44) *denique etiam illud debes cogitare, non te tibi soli gloriam quaerere; quod si esset, tamen non neglegeres, praesertim cum amplissimis monumentis consecrare voluisses memoriam nominis tui. sed ea tibi est communicanda mecum, prodenda liberis nostris. in qua cavendum est ne, si neglegentior fueris, <non> tibi parum consuluisse sed etiam tuis invidisse videaris.* See Bannon (1997) 101–16 for discussion of the political exploitation of brotherhood in the case of Cicero and Quintus. See Dörner & Gruben (1953) for the exedra with statues and inscriptions honouring the Cicerones at Samos, an illustration of how the brothers (and their immediate family members) were regarded as an entity in terms of public status.

novi, needed to build up a positive political reputé on which to rest their claim to political power. This passage further indicates that the reputation of one family member can impact on the reputation of his family as a whole; a notion forming part of the Roman reverence for ancestors and their argument from ancestral achievements. Indeed, Quintus could be seen as a family exemplum, hence the importance of reception of his actions. Cicero needed not only to control his own image, but that of all his relatives in order to secure the right public persona of the Ciceronian family and their claim to political influence.¹⁰ This view goes against Cicero's argument elsewhere that merit can overcome the lack of ancestry. However, this contrast seems to confirm the importance of ancestry and family exemplarity rather than the opposite; otherwise, Cicero would not have had to argue so forcefully for the superiority of merit whilst emphasizing the importance of proper conduct on Quintus' side for the reputation of the whole family.

Cicero wanted to control his public persona and his image as an exemplum worthy of imitation. Servius Sulpicius Rufus knew this when he wrote to Cicero after the death of Cicero's daughter Tullia, criticizing him for showing excessive grief. Sulpicius argues that Cicero must not forget that he is the Cicero who used to give precepts and advice to others and that he therefore must now be seen to follow his own precepts.¹¹ Sulpicius is afraid that others will find Cicero's grief extreme and, in turn, Cicero will damage his own reputation. Indeed, an exemplary figure needed to show constancy in order to stay credible. This passage not only gives insight into what was expected of a father in grief, but also what was expected of a consular of Cicero's power: to live up to his own exemplum and to maintain the persona he has built up over the years. Indeed, Sulpicius' exhortation shows that Cicero was not alone in thinking about his reputation, and suggests that such a consideration of reputation was one which Roman politicians at large had to take seriously.

Already in his early career, Cicero was very conscious of the image he projected. In the *Verrine* speeches he argues that, when quaestor in Sicily, he felt all men's eyes directed upon him in such a way that he thought of himself as an actor on the stage scrutinized by the audience. Therefore, he made sure to behave in a morally right fashion.¹² He relates in the *Pro Plancio* that when he came back from a successful *propraetorship* in Lilybaeum in 75 BC and

¹⁰ See Treggiari (2003) 145–6. See also Flower (2006) 63–6 for a similar conclusion in the case of the Manlii.

¹¹ Cic. *Fam.* 4.5.5–6. Compare Cicero's exhortation of Titius to overcome his sorrow: Cic. *Fam.* 5.16. Cf. Treggiari (1998) and Wilcox (2005b) on the importance of Cicero's grief for his public image and Wilcox (2005a) on the competition for public and political prestige exercised through letters of consolation.

¹² Cic. *Verr.* 2.5.35.

expected the news of his accomplishments to have travelled before him, he was met by ignorance and feigned interest at his first stop in Puteoli, which illustrated the small impact of his quaestorship on his repute and the importance of presence in Rome. This was a lesson which Cicero took seriously for the rest of his life by staying in or close to Rome as far as possible in order to nurture his public persona.¹³ Cicero's purpose with publicly advertising in the *Pro Plancio* his decision to stay close to Rome after his quaestorship formed part of his criticism of the prosecutor Laterensis' expectation to obtain office without courting the populace, but also helps to promote himself as someone taking the needs and concerns of the populace very seriously; an image all publicly elected politicians seek to nurture.

These passages on Cicero's preoccupation with his reputation tie in with his wish to be regarded as an exemplary politician and statesman. We have already seen that Cicero proposed himself as a Laelius to Pompey's Scipio and hoped to act as an Aristotle to Caesar's Alexander, and we shall see him setting himself up as a Nestor to Dolabella's Agamemnon in other attempts to set himself up as an exemplum of a wise adviser to great generals.¹⁴ In the following, Cicero's efforts to present himself as exemplary will be analysed under three headings: Cicero's exemplary actions, Cicero as an exemplum and teacher to the younger generation, and a family exemplum.

¹³ Cic. *Planc.* 64–6; cf. Plut. *Cic.* 6.

¹⁴ See the sections 'The *homo novus* consul' and 'Demosthenes' in Chapter 8, as well as Chapter 10.

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Cicero's roles as an exemplum

There were many achievements of which Cicero was proud and which he displayed as being particularly exemplary. He set himself up as an exemplary advocate, *homo novus*, great consul, an exile recalled from banishment, ideal statesman and ideal orator, author and general, but to a varying degree and with varying success.¹ These various categories in which Cicero attempts to come across as exemplary overlap greatly with those aspects of Cicero's public persona for which he employs personal exempla, which again confirms the fact that Cicero's use of personal exempla was geared to promote his own agenda and public persona.

The references to his own exemplarity are unevenly spread out over the genres of his works. This is unsurprising in light of the uneven use of historical exempla in general throughout his oeuvre. Cicero sets himself up as an exemplum much more often in his speeches than in his theoretical works and letters, a fact which might be linked to his efforts to build up a public persona; the wider audiences for his speeches would give such efforts more impact. However, the works in themselves, whether speeches, letters, or theoretical works, form part of Cicero's public persona. By delivering persuasive and successful speeches, Cicero displayed himself as a great advocate, an effective political orator, and a valuable defender of his client and others in the same situation; through his writing of convincing and well-formulated letters, an image of Cicero as the great correspondent on both political and intellectual matters emerged; and by composing and circulating accomplished and profound works on rhetoric and philosophy, he could portray himself as a true intellectual and wise consultant on these matters of such importance for politics.

¹ Cic. *Leg. agr.* 1.23–7; *Cat.* 1.11, 1.15–16, 3.15, 3.26, 4.21–3; *Dom.* 14; *Sest.* 47–9, 50, 51, 120–3, 140–1; *Vat.* 6; *Pis.* 3–7; *Prov. cons.* 27; *Balb.* 45, 61; *Planc.* 18, 20, 59; *Scaur.* 24, 27–8; *Mil.* 38, 83; *Phil.* 2.1, 2.20, 8.15, 11.23, 12.24. Kurczyk (2006) 60 finds that the two phases with most importance for Cicero's public life were his consulship and his exile.

Advocate and protector of provincials

All Cicero's appearances as an advocate would have a bearing on his public role. It is no surprise that most of the forensic (and political) speeches still extant are revised versions of his successes, not his failures.² Cicero clearly wanted to circulate his victorious orations in order to further build up his persona. He might have been proud of all his oratorical successes, but, years after, he expressed particular pride in his victory in the case against Verres founded on his meticulous preparation and research in Sicily.³ Interestingly, in spite of his own quaestorship in Lilybaeum in Sicily, Cicero only rarely sets himself up as a commendable Roman official in the *Verrine* speeches.⁴ This avoidance is probably related to the fact that he was only a quaestor, ranking under the praetor of the province, and therefore less in a position to act, and thereby display himself, as a responsible and exemplary promagistrate. However, in the *Divinatio in Caecilium*, the speech he delivered prior to the first *Verrine* speech in order to be appointed prosecutor of Verres, he discusses the qualities of a good prosecutor in order to both answer the criticism of his wish to prosecute at his age and to promote himself as a good prosecutor. He comes to the predictable conclusion that Caecilius is unsuitable as prosecutor, whereas he himself is a model prosecutor due to his blameless character, his honesty, his lack of any involvement with Verres' crimes, his possession of oratorical skills, and his experience in the law courts.⁵ Certainly, his arguments were aimed at securing the task of prosecuting Verres, but his self-portrayal goes further than that and indicates that Cicero is already at the start of the trial trying to build himself a public profile as a formidable, perhaps even exemplary, advocate, also when prosecuting.

After his great success in the trial against Verres, Cicero continued his self-promotion. As part of his argument in his defence of Caecina in 69 bc, he referred to his successful defence of a woman of Arretium.⁶ Cicero was clearly proud of his performance and he singled out a legal point that he had

² With the exception of the *Pro Milone*. Cicero might have had other reasons connected to the control of his persona for his decision to circulate a version of this speech, as argued by Steel (2005) 116–31. It is difficult to know the number of speeches now lost which were forensic failures, but of the forensic speeches we know of but have lost, there are approximately eight (*Pro Vareno* of ?77–76 bc; defence of Scamander in 74 bc; defence of C. Manilius in ?66–65 bc; defence of C. Antonius Hybrida in 59 bc; last speech in defence of L. Calpurnius Bestia in 58–56 bc; defence of M. Cispus in ?57–56 bc; defence of L. Caninius Gallus in ?55 bc; defence of A. Gabinius in 54 bc). Forensic speeches listed in Powell & Paterson (2004) Appendix, with references to evidence.

³ Cic. *Scaur.* 24, 27–8.

⁴ Cic. *Div. Caec.* 2; *Verr.* 2.3.182–3.

⁵ Cic. *Div. Caec.* 27–42.

⁶ Cic. *Caecin.* 97.

established in this earlier case which ought to be followed in the case of Caecina. In this way, Cicero presented his advocacy as exemplary. This is the first instance of Cicero portraying himself explicitly as an exemplum in the speeches. This makes clear that already before his praetorship and his consulship, Cicero was conscious of representing himself as a model to be followed. Indeed, this is the first example in general we have of Cicero trying to put himself up as an exemplum, since the extant letters only begin later in the 60s BC and only the rhetorical treatise *De inventione*, which does not contain any such references, was published before. The time span of Cicero's self-representation as an exemplum is great: from the *Pro Caecina* in 69 BC to the eleventh *Philippic* of 43 BC.⁷ This suggests the degree of Cicero's attention to his public image and it reflects the general desire for glory and remembrance which was a dominant feature of Roman political culture.

When he expressed his pride in his own previous forensic performances, Cicero addressed the same kind of audience which would have heard these performances, that is, the jury present in these cases. Cicero reinforced his successes by reminding the jury of these. Even if the individual jury members would have changed from case to case—and it changed also in composition with the reform of 70 BC—Cicero still addressed the same institution. In this way, he implied that the present jury should respect the verdict of their predecessors and, therefore, Cicero's success and legal argumentation. Cicero was consciously and explicitly accruing *auctoritas* as an advocate. These instances of Cicero's direct self-praise can productively be seen in combination with his use of personal exempla. Alongside his self-promotion as a successful advocate in the *Pro Caecina*, Cicero praised Crassus as a great legal mind, while his discussion of the good prosecutor in the *Divinatio in Caecilium* follows his explicit mention of Crassus and Antonius as exemplary advocates.⁸ Cicero's combination of authoritative historical exempla as his role models and an explanation of his own forensic qualities worked to boost his persona as an excellent and trustworthy advocate.

Homo novus

Throughout his speeches, but mostly in forensic speeches before and during his consulship, Cicero made references to exemplary *homines novi* including Cato Maior, Marius, and Q. Pompeius, who had shown the way to political

⁷ Cic. *Phil.* 11.23.

⁸ Cic. *Caecin.* 52–3, 69, 97; *Div. Caec.* 25, 27–42. See discussion of Crassus and Antonius in the section 'An aspiring new man' in Chapter 8.

magistracies for aspiring new men. Among these exemplary *homines novi*, Cicero included himself, thereby underscoring his claim to live up to past new men and their outstanding achievements on behalf of the state, in spite of their humble origins.⁹ When Cicero was not explicit about his own *novitas*, his references to new men would undoubtedly have reminded his audience of his own background and brilliant climb up the *cursus honorum*. In this context, his self-promotion in the second speech *De lege agraria* is striking in his focus on his own achievements as a new man without any explicit naming of role models or predecessors. His audience is led to think that he is a truly unique *homo novus*, who by his consular election has joined the ranks of his role models, making their exemplarity redundant. Cicero had to step down from the pedestal shortly after, but at this particular moment in time, his claim to have surpassed past exempla and thereby be an exemplum in his own right had force.

Even outside his speeches, Cicero referred subtly to his *novitas*, as in a passage from the *Tusculanae disputationes* where he recalls his discovery of Archimedes' tomb in Syracuse on Sicily: 'Thus the most famous city of the Greek world, once even the most learned, would have been ignorant of the memorial of its most keen-witted citizen, had it not learned of it from a man of Arpinum.' (*Ita nobilissima Graeciae civitas, quondam vero etiam doctissima, qui civis unius acutissimi monumentum ignorasset, nisi ab homine Arpinate didicisset.*)¹⁰ Archimedes is meant to symbolize the great past of Syracuse, whereas Cicero's emphasis on his Arpinate background, and thereby his *novitas*, helps to underline the magnitude of his deed. In fact, he suggests that the Syracusans needed new blood to facilitate the rediscovery of their glorious past. A new man without family links to the glorious past discloses a link to this past. Here we find an echo of the ideology of the *homines novi*, which proposed that the new men were the true upholders of the ancient virtues. In this way, Cicero subtly represents himself as an exemplary Roman and exemplary *homo novus*.

Not many people would have read or indeed understood Cicero's reference to his *novitas* in the *Tusculanae disputationes*. But his references in the speeches were explicit and often elaborate; no member of the audience would have been in doubt about Cicero's exemplary status as a *homo novus* consul and consular. We

⁹ Cic. Verr. 2.5.180–1; Leg. agr. 2.3; Mur. 17; Pis. 2–3. See the section 'Homines novi as exempla' in Chapter 7 for discussion.

¹⁰ Cic. Tusc. 5.66 (Teubner) (transl.: Jaeger (2002) 52). Jaeger (2002) discusses the rhetorical and philosophical implications and the aspects of memory of this passage, but not the aspect of *novitas*. Jaeger (2008) 45–6 includes one consideration of Cicero's *novitas*, namely that Cicero through his depiction of his discovery of Archimedes' tomb creates his young self as an ancestor to his older and present self: 'the *novus homo* is his own ancestor.' Kurczyk (2006) 348 touches briefly on Cicero's *novitas* in relation to this passage.

have already seen glimpses of the negative reaction of Clodius and his brother Appius Claudius to Cicero's *novitas*.¹¹ These reactions, however, seem not to have been direct responses to Cicero's self-advertisement as a successful *homo novus*, but rather part of the Claudian family's general reaction to Cicero throughout his political career. Nevertheless, they still illustrate what Cicero was up against. The Claudii were probably not the only *nobiles* feeling offended by Cicero's invasion into what they regarded as their domain of political offices and influence.

The cluster of Cicero's references to exemplary *novi* in his speeches before and in 63 BC suggests that, in general, the argument of imitating these new men was most effective in speeches rather than letters or theoretical works, and most effective during these years when Cicero canvassed for higher political office. Cicero's explicit self-praise as a *homo novus* occurs before three different audiences: in the political speech *De lege agraria* 2, delivered to the people; in the defence speech for Murena held in front of the senatorial and equestrian jury; and in the *In Pisonem* delivered to the Senate.¹² However, all three speeches were circulated at some point after delivery and it is likely that Cicero revised them before circulation in order to tailor his message to the immediate situation.¹³ Given the political content and general interest in these, the reading audience would probably have consisted of a wider range of senators and *equites* than that of Cicero's theoretical works. Through both delivered and circulated versions of these speeches, Cicero's message of his *novitas* and virtuous behaviour securing him political offices would have reached a large audience. Cicero's decision to argue from *novitas* stemmed from his confidence in his own (future) success and indeed helped him secure both oratorical and political success. Therefore, his references to *novitas* must have been received favourably among the majority of his audience and helped him build up his public persona as a virtuous *homo novus*.

Consul

Cicero's greatest political victory was his election to and execution of the consulship, but his consulship was also to result in his greatest political defeat,

¹¹ See the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

¹² Cic. *Leg. agr.* 2.3; *Mur.* 17; *Pis.* 2–3.

¹³ For the issues concerning revision and circulation of the *De lege agraria*, see page 184, n. 39. For the *Pro Murena*, see Adamietz (1989) 31–2, although mostly building on the general argument of Stroh and the argument of McDermott in connection with Cicero's consular speeches which I have discussed briefly in footnotes in the 'Introduction' and in the section 'The *homo novus* consul' in Chapter 8. For the *In Pisonem*, see Nisbet (1961) 199–202.

namely his exile. At his first appearance for the people after the start of his year in office, Cicero expressed his thanks to the *populus* for the election and emphasized his sensational rise to the consulship in spite of his *novitas*.¹⁴ This self-praise was repeated in the *Pro Murena* delivered later the same year.¹⁵ In the Catilinarian speeches too, Cicero highlighted his extraordinary achievement. In the fourth speech, he aligns himself with the greatest heroes of Roman history—Scipio Africanus, Scipio Aemilianus, Paulus, Marius, and Pompey—and he asserts that among the praise of these men there will be some place for his own fame, unless it is regarded as a greater achievement to open up provinces to which governors can go out than to ensure that those who have gone out to the provinces have a homeland to which they can return.¹⁶ Cicero's civil deeds on behalf of the *res publica* are to be regarded as similarly glorious as the military deeds of these great generals, making him part of the sequence of exemplary Romans.¹⁷

Cicero had already developed this theme in the second and third Catilinarian speeches, both delivered to the people, by presenting Pompey and himself as the pair who had led and defended the Roman state and people in foreign and internal matters respectively: 'and that at one and the same moment our country has produced two citizens, one [Pompey] of whom has carried the frontiers of your empire to the borders not of earth, but of heaven, while the other [Cicero] has preserved the home and centre of that empire.' (*unoque tempore in hac re publica duos civis extitisse quorum alter finis vestri imperii non terrae, sed caeli regionibus terminaret, alter huius imperii domicilium sedesque servaret.*)¹⁸ Cicero returned to his notion that civil achievements are comparable to military achievements almost 20 years later in the *De officiis*, with reference to his poem on his consulship:

'Let arms yield to the toga, and laurels to laudation.' To mention no others, when I held the helm of the republic, did not arms then yield to the toga? Never was there more serious danger to the republic than then, and never was there greater quiet. Through my vigilance and my counsel the very arms swiftly slipped and fell from the hands of the most audacious citizens. Was any achievement of war ever so great? What military triumph can stand comparison? (78) I am allowed to boast to you, Marcus my son. For yours it is both to inherit my glory and to imitate my deeds. Pompey

¹⁴ Cic. *Leg. agr.* 2.3.

¹⁵ Cic. *Mur.* 17.

¹⁶ Cic. *Cat.* 4.21–3. Cf. *Cat.* 1.27–9.

¹⁷ Cf. May (1988) 56–8 for a similar analysis of Cicero's self-representation as an *imperator togatus* ('a civil general'); Nicolet (1960) 245–52; Martin (1980) 850–8; Steel (2001) 166–73.

¹⁸ Cic. *Cat.* 3.26 (transl.: Berry (2006)). Cf. *Cat.* 2.11, 3.15, 3.23, 4.5; *Mur.* 84; *Sull.* 85 for similar passages. Note the parallel to Cicero's offer to play Laelius to Pompey's Scipio the following year (Cic. *Fam.* 5.7.3).

himself, indeed, whose military exploits won lavish praise, paid me the tribute of saying in the hearing of many that he would have won his third triumph in vain had my service to the republic not ensured that he had somewhere to celebrate it. Therefore the courageous deeds of civilians are not inferior to those of soldiers. Indeed the former should be given even more effort and devotion than the latter.¹⁹

Again, Cicero stresses his civil exploits in comparison with Pompey's military triumphs in an attempt to lift up his own success to the level of praise accorded military successes, in other words, an attack on the general notion in Rome that military glory ranked far above civil glory. This view is unsurprising given Cicero's own career.²⁰ As exempla of responsible consuls safeguarding the state at home rather than abroad, Cicero singled out Scaurus as opposed to Marius, and Catulus as opposed to Pompey.²¹ But outside the *De officiis*, Cicero also drew on the exempla of the much more militaristic Scipio Aemilianus and Marius to illustrate the role of a responsible consul, especially in his political and forensic speeches during his consulship. By standing on the shoulders of these well-known historical figures, Cicero presented his own actions and intentions as exemplary and just.

Cicero was proud of his conduct as consul, but when his political position became more difficult as a result of the growing disapproval of his execution of the Catilinarian conspirators (further fuelled by Clodius), he started a marketing campaign on his own behalf. Already in the summer of 61 BC, Cicero complains to Atticus that the Greek poet Archias, whom Cicero had defended with success the year before, had still not composed a poem on Cicero's deeds.²² Cicero approached the philosopher Posidonius as well,

¹⁹ Cic. *Off.* 1.77–8 (transl.: Griffin and Atkins (1991)): '*cedant arma togae, concedat laurea laudi.*' *Ut enim alios omitam, nobis rempublicam gubernantibus nonne togae arma cesserunt? Neque enim periculum in republica fuit gravius umquam nec maius otium: ita consilii diligentia-que nostra celeriter de manibus audacissimorum civium delapsa arma ipsa ceciderunt. Quae res igitur gesta umquam in bello tanta? qui triumphus conferendus? (78) Licet enim mihi, Marce fili, apud te gloriari, ad quem et hereditas huius gloriae et factorum imitatio pertinet. Mihi quidem certe vir abundans bellicis laudibus, Cn. Pompeius, multis audientibus, hoc tribuit, ut diceret frustra se triumphum tertium deportaturum fuisse nisi meo in rempublicam beneficio ubi triumpharet esset habiturus. Sunt igitur domesticae fortitudines non inferiores militaribus; in quibus plus etiam quam in his operae studii-que ponendum est.* Steel (2005) 58–9 suggests that the passage *cedant arma togae, concedat laurea laudi* together with the much criticized (cf. Cic. *Pis.* 73; Juv. 10.122–6; Quint. *Inst.* 11.1.23–4) *O fortunatam natam me consule Romam* is Cicero's attempt 'to make a permanent record of a laudatory gesture which others made towards him'. Cf. Kurczyk (2006) 85–92, 115–18 for the background, criticism, and interpretation of these passages.

²⁰ Cic. *Arch.* 21–4; *Off.* 1.74. But Cicero could also argue the opposite when expedient: Cic. *Mur.* 19–22. Cf. Brunt (1978) 162–4.

²¹ Cic. *Off.* 1.76.

²² Cic. *Att.* 1.16.15.

asking him to write a piece on Cicero's consulship in Greek based on Cicero's own notes, but Posidonius politely declined.²³ Cicero had to write these laudatory pieces himself. He composed a *commentarium* (a sketchy commentary) in both Greek and Latin and had Atticus write an extra one in Greek, with which Cicero was not entirely satisfied; it was much too subdued. Furthermore, he made sure to circulate a selection of his consular speeches in revised form so as to promote his own interpretation of the events of 63 BC.²⁴ Finally, Cicero wrote an epic poem in three books on his consulship, which was cited in the passage from the *De officiis* above, but ridiculed by contemporary and later generations.²⁵ Cicero's answer to the attacks on his reputation (and ultimately his status and position in Rome) was to attempt building up a favourable version of the events of 63 BC. Judging from the few extant fragments of the *commentarii* and the poem and from his explanation in the *De officiis* just cited, his decisions and actions were presented as not only just and legal but also as praiseworthy, commendable, and, indeed, exemplary. However, his propaganda did not convince everybody of his exemplary status and Clodius finally managed to threaten Cicero into voluntary exile in Greece.

Exile

In the section on Cicero's references to the exempla of Metellus Numidicus, Popilius Laenas, Opimius, and Marius, we saw Cicero positioning his own exile and recall by comparison and contrast as even more glorious than that of these past exiles. This notion was promoted most elaborately in his speeches upon his return to Rome. In these, he argued that he left Rome in order to save his country; an act which secured him eternal glory, proved by the thanksgivings accorded to him by the Senate and the people. With this argument Cicero could defend his actions of 63 BC, glorify himself, and set himself up as an exemplum of an altruistic citizen who worked only for the benefit of the state. Indeed he maintains that if his example is followed the *res publica* will live forever: 'an example of loyalty to the state' (*exemplum fidei publicae*).²⁶

²³ Cic. *Att.* 2.1.1–2.

²⁴ Cic. *Att.* 1.19.10, 1.20.6, 2.1.1–3. For the discussion of whether Cicero did indeed circulate these speeches in 60 BC or not, see page 184, n. 39.

²⁵ Cic. *Off.* 1.77. Dyck (1996) *ad loc.*, 208–9. Cf. Ewbank (1933) 27–32.

²⁶ Cic. *Red. Sen.* 37–8; *Red. pop.* 6–7, 19–20; *Dom.* 87; *Sest.* 37–9, 49–50 (citation), 120–2, 128–9, 142–3. Less explicit self-praise: Cic. *Att.* 4.8a.2. For discussion of Metellus Numidicus, Popilius Laenas, Opimius, and Marius as personal exempla in the *Post reditum* speeches see the section 'Exile and triumphant recall' in Chapter 8.

Throughout his life, Cicero continued to promote his handling of the Catilinarians as a just and glorious action and his recall from exile and subsequent thanksgiving as exceptional, in both speeches and treatises.²⁷ This he did for two seemingly contrasting reasons. One reason was that his exile had proven his failure to convince his audience of his version of the events of 63 BC. When recalled from exile, his initial position of a man redeemed and returned to consular *dignitas* was shattered by his capitulation to the dynasts in 56 BC, which also necessitated a public explanation. These fluctuations in favour and political influence suggested not only disapproval of his actions but even his lack of control of the situation, two opinions which he sought to counter by discussions of his conduct in 63 and 56 BC. The other reason for his repeated mentions of his consular achievements and his extraordinary recall from exile was less a defence and more a positive self-advertisement. Having built his career on his oratorical talents and political success, and not on military triumphs or ancestral merits, his consulship and the recall from exile were the two most distinctive features of his career. Therefore, Cicero had to keep reminding his audiences of his exploits in order to reiterate his version of the events and to cement the *auctoritas* and *dignitas* of his consular position.

Statesman

Cicero's promotion of himself as a great consul and a consular exiled on unjust grounds was founded on his presentation of his statesmanlike qualities. It was in the interest and for the survival of the *res publica* that he had the Catilinarian conspirators executed and that he eventually went into exile, he argued, most notably in his speeches. Cicero's claim to be a true statesman was logically more applicable when he was consul and consular than before his consulship, and it is also only during and after his year in office that Cicero presents himself as a statesman.

Besides his self-advertisement in his speeches, Cicero's discussion of the ideal citizen and statesman in his political treatises *De republica* and *De legibus* gives further indication of Cicero's promotion of himself. Indeed, the idea and composition of these two works signal not only Cicero's great interest and thoughts devoted to this subject, but also, to a certain extent, his attempt to publicize his view of the exemplary statesman. Whereas he has Scipio, Laelius, and their young protégés discuss the *res publica*, lending authority to the views on the state expressed, he chose to place himself, Quintus, and Atticus

²⁷ Cic. *Planc.* 89; *Rep.* 1.6; *Leg.* 2.42, 3.26; *Mil.* 8, 83; *Att.* 9.15.2–3; *Par. Stoic.* 18, 27–32; *Part.* or. 117–18; *Off.* 1.77–8; *Phil.* 8.15, 11.23; *Ad Brut.* 1.10.4.

as the interlocutors in the *De legibus*. We have already seen the way in which the choice of interlocutors could project Cicero's wish to set up the historical figures behind the interlocutors as exemplary. By the use of Scipio and Laelius, combined with his laudatory references to them in speeches and letters, Cicero could subtly claim to follow their exempla in his own views and conduct as a statesman. In the case of the dialogues in which Cicero plays one of the roles, the picture becomes even clearer: not only can Cicero the author play more freely with Cicero the interlocutor than with other interlocutors and make sure to disseminate his personal view, but also Cicero the author can tailor his presentation of the interlocutor Cicero to fit a specific message. He could offend only himself if others thought the picture inconsistent with his image in other contexts; he had the ultimate say in what his own views were.²⁸ Cicero's role in his dialogues is thus a significant indication of the image he wanted to project in his public persona.

Where the discussion in the *De republica* concerned the state built up by the *maiores*, the *De legibus* evolves around the laws of the *res publica*. In both works, the ideal statesman is debated in detail.²⁹ In the treatise on the laws, Cicero presents himself as a wise politician well versed in the history and intricacies of Roman law. Indeed, Atticus makes the direct link between Cicero and the ideal statesman:

MARCUS: It's possible to think of many men of only moderate learning who were important in public life, and great scholars who were not active in public life; but aside from this one man, who is there who excelled in both areas, to be a leader both in scholarship and in government? ATTICUS: I can think of someone, and in fact it's one of us three.³⁰

This unmistakable selection of Cicero as the ideal statesman is a strong clue to the way in which Cicero built up the image of this statesman in both the *De republica* and the *De legibus*: in his own image, or in the image he wanted to portray of himself. This conclusion is supported by a couple of passages from the *De republica* in which Cicero is represented as a true statesman whose exemplum should be followed.³¹ Again, much of this self-praise refers back to 63 BC, but some passages refer to Cicero's statesmanlike traits in other circumstances, such

²⁸ For analyses on Cicero's role as interlocutor see Steel (2005) 112–14, 136–40.

²⁹ Cic. *Rep.* 1.33, 1.35, 1.45, 2.1–2, 2.45, 2.51, 2.69a, 3.5; 5.2b, 5.5; *Leg.* 1.58–62, 2.28, 2.30, 3.41.

³⁰ Cic. *Leg.* 3.14 (transl.: Zetzel (1999)): [M.]: *Nam et mediocriter doctos magnos in re publica viros, et doctissimos homines non nimis in re publica versatos multos commemorare possumus; qui vero utraque re excelleret, ut et doctrinae studiis et regenda civitate princeps esset, quis facile praeter hunc inveniri potest?* [A.] *Puto posse, et quidem aliquem de tribus nobis.* Dyck (2004b) *ad loc.* also thought this a 'blatant move' to Ciceronian self-praise.

³¹ Cic. *Rep.* 1.7, 1.10.

as a passage from the *De officiis* in which he boasts of having climbed the *cursus honorum suo anno*, that is, at the first possible instance, even without throwing lavish games as aedile.³² The same point about his climb up the political ladder *suo anno* was also made in the *In Pisonem*.³³ Even if Cicero's message with these passages were not simply to praise himself, these two instances make clear that Cicero paraded a pride in his political achievements, and even suggested that they were accorded him because of his qualities as a statesman.³⁴

We have seen that Cicero refers to himself as exemplary, either directly or through the mouth of an interlocutor. This exemplarity was based on his skills as a statesman, which included his correct understanding of Roman politics and the importance of the *boni* ('the morally good men') as carriers of the true *res publica*. In his presentation, the group of *boni* incorporated the *homines novi* who had won political influence because of their merits, not ancestry. For other Romans, this combination of an ideal statesman, a *bonus* and a *homo novus* such as Cicero might have seemed illogical or even unthinkable, but for Cicero it made perfect sense. Or at least, he wants us to believe that it can make sense, if the right person turns up. Cicero's audience for this self-promotion was probably the intellectual and political elite in Rome, who would understand his references to Scipio and Laelius in the *De republica*. Given that the *De legibus* may never have been finished and circulated, Cicero's message may not have had great impact on his peers. Therefore, it is virtually impossible to gauge the influence of this work on Cicero's image as an exemplary statesman. However, for the reading audience, these works underlined, broadened, and deepened Cicero's self-exposition from his speeches as a wise and morally sound statesman working for the benefit of the state and its people.

Orator

As with his political treatises, Cicero's rhetorical works also give hints to his own exemplarity. The composition of the *De inventione* testifies to Cicero's interest in rhetorical themes already in his youth. With the discussion of the ideal orator in the *De oratore*, Cicero could weave in his views not only on oratory and rhetoric, but on the role of the orator in the political game in Rome. He made Crassus and Antonius the main exempla of orator-statesmen with the underlying equivalent orator-statesman to be found in Cicero

³² Cic. *Off.* 2.59.

³³ Cic. *Pis.* 2–3.

³⁴ Cf. Cic. *Balb.* 61 in which he also sets himself up as an exemplary statesman.

himself, whilst Demosthenes is presented as the ultimate orator of all time whom Cicero aspires to equal.

Cicero's exemplarity becomes more obvious in the *Brutus*, the *Orator*, and the *Partitiones Oratoriae* in which Cicero plays the main interlocutor. In the *Brutus*, Cicero wanted to deal with deceased orators only, but he creates an exemplary role for himself nonetheless. If we read the *Brutus* as a funeral oration over the dead body of Roman republican oratory (as we did above in Chapter 8), praising the many historical exempla and their past oratorical achievements so as to encourage the audience to imitate these great orators, then Cicero's role as the speaker indicates that he is the most recent member of the family and an heir to its traditions and accomplishments. In other words, he signals that he is following up these traditions and thereby presents himself as the exemplary orator of his day.

This message is most clear when Cicero makes comparisons between himself and some of the great orators of the past. At several instances, Cicero the author makes Brutus the interlocutor point his finger at Cicero the interlocutor as part of the long list of exemplary Roman orators. After a discussion of Scaevola Pontifex and Crassus, Cicero says:

[Cicero]: 'I set this down exactly so that the time when Latin eloquence first came of age may be noted, and so that it may be understood that it now had been carried almost to perfection; after that, no one could expect to add anything substantial to it, except if he should be more versed in philosophy, civil law and history.' (162) 'Will he ever come,' Brutus asked, 'or is he whom you await already here?' 'I have no idea,' I said.³⁵

Brutus' hint to Cicero's status as the culmination of Roman oratory is badly veiled. Cicero has now surpassed Crassus who was the greatest orator of his day when Roman oratory had not yet come of age. Indeed, Cicero is made into an exemplum of the orator with knowledge of philosophy, law, and history; an ideal promoted particularly in the *De oratore*. Later in the *Brutus*, Brutus again makes the comparison between the great orators mentioned and praised by Cicero and Cicero himself, indicating that Cicero is the greatest orator of his own age.³⁶ At the end of the work, Brutus moves the focus from Cicero's exemplarity in rhetoric and oratory to Cicero's merits as a statesman, although they are clearly related to his oratorical activity.³⁷

³⁵ Cic. *Brut.* 161–2: *quod idcirco posui, ut dicendi Latine prima maturitas in qua aetate exstisset posset notari et intellexeretur iam ad summum paene esse perductam, ut eo nihil ferme quisquam addere posset, nisi qui a philosophia a iure civili ab historia fuisset instructor.* (162) *Erit, inquit [M.] Brutus, aut iam est iste quem exspectas? Nescio, inquam.* Cf. Cic. *Brut.* 23, 303, 322.

³⁶ Cic. *Brut.* 189–90.

³⁷ Cic. *Brut.* 330.

Demosthenes is consistently praised as the greatest orator of all time in Cicero's rhetorical works, as we saw in Chapter 8, and Cicero clearly wished to be seen as a Roman equivalent to Demosthenes as the supreme Greek orator of all times. Indeed, Plutarch was convinced and put Demosthenes and Cicero alongside each other in his *Parallel Lives* and emphasized their similarities in character and fate.³⁸ The role of Hortensius in the *Brutus* also serves to place Cicero at the pinnacle of Roman oratory. As discussed in Chapter 8, Hortensius' career as an orator works both as a frame story to the whole history of Roman orators, but also as the mirror in which Cicero can reflect the successes of his own oratorical career. Indeed, Cicero's early career is depicted as a pursuit of Hortensius' oratorical position, which Cicero reaches and then surpasses.³⁹ These passages underline the sense of Cicero as an exemplum of a great orator and statesman, which runs as an undercurrent in the *Brutus*.

Modern scholars have traditionally and recently argued that Cicero sets himself up as the *telos*, that is, the ultimate and final realization, of the ideal orator in the development of Roman oratory presented in the *Brutus*.⁴⁰ By contrast, Steel concludes that Cicero 'is not yet willing to withdraw from political activity and cease to be an orator' and thus become part of the list of exemplary orators presented in the work.⁴¹ Steel is right that Cicero was still to deliver his speeches under Caesar's dictatorship and, finally, the *Philippics*; therefore Cicero had not yet written himself out of active oratory and into the history of Roman orators. However, this does not exclude the possibility that Cicero wanted to present himself as the climax and culmination of oratory in Rome, as Steel herself points out.⁴² Even if Cicero did not add his own name to his final list of oratorical stars at the end of the *Brutus*, the comparison between himself and Hortensius, his self-praise through Brutus and the gradual and positive development of Roman oratory, embodied in the Roman orators and culminating in himself is a clear statement that Cicero promoted himself as the greatest Roman orator ever, the definitive exemplum of oratorical brilliance.

In the *Orator*, the undercurrent of Cicero's exemplarity is a visible and strong current not to be overlooked. In several passages, Cicero refers to his own speeches, such as the *Pro Caecina*, the *Pro lege Manilia*, the *Pro Rabirio perduellionis reo*, the *Verrines*, the *Pro Habito* (the *Pro Cluentio*) and the *Pro Cornelio*, as being exemplary of various rhetorical aspects. He ends by arguing that there is

³⁸ Plut. *Dem.* 3.3–5 and the actual comparison.

³⁹ Cic. *Brut.* 321–30.

⁴⁰ Bringmann (1971) 23, 31–3; Dugan (2005) 19, 172–3, 198–9. Cf. Kurczyk (2006) 307–22 for a detailed analysis of Cicero's self-representation in the *Brutus*.

⁴¹ Steel (2003) 195 (quote), 207–11.

⁴² Steel 2003) 208.

no kind of oratorical *laus* which is not found in his speeches.⁴³ In other words, Cicero's speeches form a comprehensive storehouse of rhetorical exempla. Already in 60 BC, he wished to circulate a selection of his speeches from his consular year with the expressed reason being the admiration of Atticus and his young admirers.⁴⁴ Perhaps in an attempt to lessen the self-praise in the *Orator* passage, Cicero argues that these rhetorical aspects might not be perfect, but at least he has tried to implement them. He elaborates on his attempt when he declares not to be satisfied with himself or with Demosthenes, but, in fact, this remark seems rather to compare and equate Cicero's oratory with that of the great Demosthenes. The impression is less that of balanced judgement of his own oratorical merits than that of badly veiled self-praise. Cicero did indeed present himself as an exemplum to be followed in oratory, a presentation which was supported by other passages in the *Orator*.⁴⁵

Cicero obtained his oratorical skills through an extensive education, as he explains in the *Brutus*: 'I am afraid that too much is being said about me, especially as I am saying it; but the intention of all this in my talk is not to boast of my talent and eloquence, far from it, but only to display my hard work and industry.' (*nimis multa videor de me, ipse praesertim; sed omni huic sermoni propositum est, non ut ingenium et eloquentiam meam perspicias, unde longe absum, sed ut laborem et industriam.*)⁴⁶ His emphasis not on his talent (*ingenium*) or eloquence (*eloquentia*), but instead on his 'hard work and industry' (*labor et industria*), gives strong reminiscences of the ideology of the *homo novus*, which lauded exactly the same qualities instead of inherited status and a lazy attitude to politics. A couple of chapters later, Cicero argues that he was successful because of his constant activity and industry as a speaker, combined with his novel style of speaking.⁴⁷ Again, *industria* is emphasized together with his rhetorical style. This suggests that Cicero could thank his thorough education and his *industria* for his political accomplishments, both lauding his own education and promoting the ideology of the *homines novi*. Indeed, this victorious combination appears exemplary, particularly when combined with Crassus' advocacy in the *De oratore*. Finally,

⁴³ Cic. *Orat.* 102–4.

⁴⁴ Cic. *Att.* 2.1.3.

⁴⁵ Cic. *Orat.* 107–8, 129, 131–2, 165, 167, 210, 232. Dugan (2005) 253 argues that 'Cicero's supremacy within Roman oratory that the *Brutus* presented as the logical conclusion of its historical inquiry is taken for granted in the *Orator*, allowing Cicero to fashion himself in relation to his Greek predecessors. Cicero is not content to win the distinction of being a Roman version of Demosthenes, but articulates a distinctly Ciceronian sublime that is apart from the Demosthenic variety.' Cf. also Dugan (2005) 289, 304–6, 309 on Cicero's exemplarity as orator and author of written speeches.

⁴⁶ Cic. *Brut.* 318 (Teubner). Cf. the whole description of his education *Brut.* 301–33.

⁴⁷ Cic. *Brut.* 321.

Cicero emphasizes that in spite of his oratorical brilliance he is and will always remain a student of rhetoric in his pursuit of oratorical perfection; a fact supported by Suetonius.⁴⁸ From this passage, Cicero emerges as an intellectual orator who continued his studies throughout life and never ceased to improve himself. This quality formed part of Cicero's ideal orator.

In these rhetorical works, Cicero certainly sets himself up as the ultimate exemplum of a great Roman orator, whom young men such as Brutus could and should follow. Indeed, he has surpassed his own personal exempla Crassus and Hortensius. In the *Brutus*, Brutus is the mouthpiece for expressing Cicero's exemplary status, even if Cicero the interlocutor hints at his exemplarity too, but in the *Orator* Cicero does not hold himself back and he is clearly proud of many of his speeches, which he hopes will supply the basis for his reputation in future generations. Cicero's self-advertisement as an ideal orator would have been read by the same intellectual elite reading his other theoretical works. Again, the impact is difficult to measure, but this select audience would have understood Cicero's attempt to position himself as an exemplum and seen it as a backdrop to his public performances as orator and advocate, which reached an even wider audience. Furthermore, this explicit self-representation was supported by his successful oratorical appearances which reached an even wider audience. The combined efforts in his speeches and theoretical works would help to set up Cicero as a senator working for the best interests of the *res publica* and thereby embodying the ideal of an orator-statesman.

Philosopher

Cicero's rhetorical works centred on the ideal orator, who was more or less subtly exemplified by, among others, Cicero himself. In his philosophical works, Cicero's self-praise is less obvious. By positioning himself as interlocutor or presenter of philosophical doctrines in a number of treatises, he signals that he is well-positioned to engage with philosophy.⁴⁹ He is often presented as the person who understands the doctrines of the various philosophical schools best, for example in the *De divinatione*, where Quintus' viewpoint is made to look silly compared to that of Cicero.⁵⁰ He does not seem to form his own doctrines, but rather presents the doctrines of the main philosophical schools in his attempt to provide introductions on aspects of Greek philosophy to a Latin-reading

⁴⁸ Cic. *Orat.* 146; Suet. *Rhet.* 1 with Kaster (1995) 275.

⁴⁹ *De legibus, Paradoxa Stoicorum, Hortensius, Academica posteriora, De finibus, De divinatione, De fato, Topica, De officiis.*

⁵⁰ *Contra*: Fox (2007) 209–40.

audience. This has led some scholars to argue that Cicero is not a philosopher in his own right, but others find that exactly Cicero's critical engagement with the doctrines should qualify for a status as a philosopher.⁵¹ Indeed, Cicero sets himself up as the knowledgeable authority of the complex principles of the great Greek philosophical schools. Through this role as interpreter and critic, Cicero presents himself as a model for emulation—in a way not unlike his exemplary role as guide and interpreter of history—throughout his philosophical works, complementing the other aspects of Cicero's exemplarity.

General

In the analysis of Cicero's proconsulship in Cilicia, we saw that Cicero in letters to Atticus and his protégé Caelius claimed to follow various precedents for his conduct in the province. Scaevola's edict provided the legal foundation for Cicero's edict, whereas he, jokingly, compared his own military achievements with those of Alexander the Great.⁵² The lack of generals as personal exempla in military terms underlines the fact that Cicero was not a great military commander and therefore did not generally promote himself as such. Cicero's career was based on his oratorical skills, not military exploits, and throughout his career he promoted the civil image and even set it up as a rival to military glory, as we have seen above.⁵³ Cicero might have tried to represent himself as an exemplary general during his years in Cilicia, but only fleetingly and without much impact in Rome, except the granting of a *supplicatio* for his victories in the Amanus mountains. His efforts to present himself as an exemplary governor may have had more impact in that this display included the civil acts of jurisprudence and financial administration.⁵⁴ But when Cicero returned to Rome in 50 BC, the talk of the town was not the achievements of a provincial governor, whether great or not, but the impending civil war.

A trustworthy guide to Rome's past

We have already seen in Chapter 6 various techniques by which the orator or author could present himself as an honest and responsible adviser to his audience, whether it was the *populus*, a jury, the Senate, or the intellectual

⁵¹ Patzig (1979) with references to further literature and, more recently, Fox (2007) 57–62.

⁵² Cic. *Att.* 5.20.3, 6.1.15; *Fam.* 2.10.3. See the section 'In the mould of Scaevola: Cicero in Cilicia' in Chapter 8 for discussion.

⁵³ See the sections 'The *homo novus* consul' and 'Interlocutors as personal exempla' in Chapter 8, and the section 'Consul' in Chapter 9.

⁵⁴ For Cicero's efforts to represent himself as an ideal provincial governor see Steel (2001) 192–202 and Cicero as a governor in general Mitchell (1991) 204–31.

elite. *Auctoritas* was fundamental for public persuasiveness, and it was based essentially on attainment of public office, but also on inherited *auctoritas*, in other words, on a good ancestry. Cicero could not claim ancestral merits, but he did argue once that his family was just as morally upright as any, even if this was not recognized by election to public office.⁵⁵ This claim was possible at the point when Cicero has just embarked on the consulship, the ultimate proof of his own credentials, but is not generally exploited. Instead, he tried to strengthen his persona and *auctoritas* as a trustworthy guide by other means. His references to his education and experience; his knowledge of rhetoric, law, literature, philosophy, politics, and history; his assertion of consistency in thought and action; and his use of historical, and indeed personal, exempla form part of his range of methods by which to build up his public persona. He even asserted in the *Topica* that orators, philosophers, poets, and historians can be used as authoritative examples for persuasion.⁵⁶

By choosing and using exempla less well known to the audience, he could enhance his credibility by emphasizing his superior historical knowledge, or by choosing famous exempla he could flatter his audience and their historical knowledge. He could even promote his own credibility by correcting his opponent's use of exempla. Cicero needed to balance these methods in order not to appear unreliable. Indeed, he stressed the need for appearing constant, at least to a certain extent and to the same audience: one could not criticize certain behaviour in one case and laud the same behaviour in another. Cicero's efforts to act as a good provincial governor in Cilicia in accordance with his views expressed earlier in speeches and letters are testimony to the need for some level of consistency.

Cicero's presentation of his interlocutors in some of his dialogues can be connected to this attention to credibility in both interlocutor and Cicero as author. His express explanation of his personal contact with historical figures selected as interlocutors aims to lend credibility to his choice and the views expressed by these figures. Cicero's first-hand experience of Crassus and Antonius, presented in the preface to the second book of the *De oratore*, adds authority to Cicero's presentation of these two figures and their viewpoints which, in turn, strengthens his own persona reflected in these interlocutors as his personal exempla. Because of his personal experience of Crassus and Antonius, he is in a good position to consider them appropriate role models and claim them as his personal exempla in his attempt to build up his credibility as an excellent orator. A parallel is the four-link chain of Cato

⁵⁵ Cic. *Leg. agr.* 2.1–2. Cf. Treggiari (2003) 143.

⁵⁶ Cic. *Top.* 78. See the discussion of the importance of *auctoritas* in Chapter 6. See also May (1988) 6–12.

Maiores–Scipio and Laelius–Scaevola Augur–Cicero, which is exploited in the *De senectute* and the *De amicitia*. Through references to personal acquaintances, especially in a mentor–pupil relation, the claim to these exempla appears as strong and trustworthy.

It is exactly the same mechanism we expect taking place in Caesar's exploitation of Marius' exemplum in the 60s BC, to which Cicero could have answered with reference to his own family's connections with Marius in Arpinum, although Cicero does not utilize this link in the extant works of the 60s BC. When Cicero does point out the shared background between Marius and himself, as in the speeches after his return from exile, he uses it as a backdrop against which to illustrate the sharp contrasts in motivation and action in spite of their Arpinate origin. His reference to their backgrounds could be understood as a response to an expected reaction in the audience who may have assumed similar motives simply on the basis of similar backgrounds. If so, Cicero may also be playing on this expectation when he expressly avoids mentioning Marius' background in the passages where Marius' exemplum is employed. In any case, the personal link was a strong argument to support the claim to a personal exemplum, and Cicero makes the most of it in dialogues, and in references to personal exempla outside the dialogues. The importance of *auctoritas* was just as relevant for personal exempla as for historical exempla, perhaps even more so. Through these rhetorical techniques and a careful choice and presentation of interlocutors and personal exempla, Cicero could position himself as a trustworthy guide, an exemplum of a wise adviser, to Rome's past for all Romans in the present and in the future.

An exemplum and teacher to the younger generation

As part of his intended image as a trustworthy guide and as an exemplary citizen, Cicero set himself up as a teacher and adviser to the younger generation of politicians. We have already seen that Cicero had himself been taught rhetoric and law by prominent Roman orators and jurists such as Crassus, Antonius, and the two Scaevolae. Cicero promoted the view that education of the young was a duty for all good Romans, especially for the older generation.¹ When a senior statesman himself he wanted to share his knowledge and experience with the younger generation and thereby influence their actions and politics in general.² In the *Orator*, Cicero expounds on his task as a teacher:

But if I were to profess that I would hand down the precepts and almost the ways that led to eloquence to those who were keen to learn oratory—how I wish I could!—which just critic would censure this? For who will ever doubt that in our state eloquence always held the first place in civilized, peaceful affairs, and jurisprudence second? . . . (142) . . . Why is it either shameful to learn something, the knowledge of which is honourable, or why is it not glorious to teach something, ability in which can be most beautiful? (143) . . . I am inclined to think that most of our orators possessed more talent than training; therefore they were better speakers than teachers, by contrast we are perhaps better in teaching.³

¹ Cic. *De or.* 1.159, 1.165–201, 1.256, 2.36, 2.335, 2.337; *Rep.* 5.5; *Brut.* 161, 322; *Orat.* 120; *Arch.* 14–16; *Off.* 1.1. For discussion of the influence of Crassus, Antonius, and the Scaevolae on Cicero's education see Chapter 3 and the section 'An aspiring new man' in Chapter 8. For Cicero's view of the younger generation and their education see Narducci (1989) 189–225; for Cicero's educational purposes with the theoretical treatises see Gildenhard (2007a) 28–34.

² Plut. *Cic.* 31.1 claims that 20,000 young men took up mourning and argued on Cicero's behalf when Cicero went into exile. Although the number is probably exaggerated (Cic. *Red. pop.* 8 refers to 20,000 people, not young men) it still testifies that Cicero had a considerable influence with the younger generation. Cf. Moles (1988) comment *ad loc.*; David (2006) 434.

³ Cic. *Orat.* 141–3 (Teubner): *Sed si profiterer—quod utinam possem!—me studiosis dicendi praecepta et quasi vias quae ad eloquentiam ferrent traditurum, quis tandem id iustus rerum existimator reprehenderet? Nam quis unquam dubitabit quin in re publica nostra primas eloquentia tenuerit semper urbanis pacatisque rebus, secundas iuris scientia? . . . (142) . . . cur aut discere turpe est quod scire honestum est aut quod posse pulcherrimum est id non gloriosum est docere? (143) . . . atque haud scio an plerique nostrorum oratorum ingenio plus valuerint quam*

Here Cicero defends his decision to spend his time writing rhetorical treatises rather than taking an active part in political life by arguing that he is teaching both the addressee Brutus and other young men the rules of rhetoric. This leads on to a defence of teaching rhetoric as opposed to teaching law, which was more common and integrated in the daily life of the jurists. Cicero's main argument is that it cannot be dishonourable to teach rhetoric when rhetorical ability can lead to such beautiful speeches. Cicero's lament of the low status applied to rhetorical teaching might hark back to the discredit given to the sophists, but it could also be the traditional, although somewhat insincere, Roman rejection of too much theory instead of simple practice. More important, however, is his advocacy for rhetorical teaching as an important part of training for a public and political life. Indeed, Cicero is not just promoting the importance of rhetorical training of the young, but also the necessity of increasing the status of the teachers in rhetoric and the necessity for more Roman teachers of rhetoric, even if they might be difficult to find. Thus, both Cicero's education and his career as a teacher are presented as commendable and worthy of imitation.⁴ In practice, Cicero did indeed teach rhetoric. Especially during and after Caesar's dictatorship, he taught rhetoric to a number of young Caesarians, with a view to steering them in the right direction through an understanding of the connection between good rhetoric and good moral standing.⁵

Cicero's wish to guide young men appears to be a common trait of his career, at least from the consulship onwards. In June 60 BC, Cicero still thought that he could improve Caesar's attitude to the *res publica* in the same way as he considered his political friendship with Pompey as beneficial to the state.⁶ As a young man M. Caelius Rufus had been sent to Cicero in order to learn the workings of public life from the orator and advocate, and their relationship continued to be one of a teacher/advisor to the student as

doctrina; itaque illi dicere melius quam praecipere, nos contra fortasse possumus melius docere.
The full passage runs in chapters 140–6.

⁴ Steel (2005) 133–4 reads this passage as Cicero's attempt to heighten the status of teachers of rhetoric because he himself taught rhetoric to the Caesarians at the same time—a reasonable interpretation in my view. Cf. Cic. *Orat.* 146 where Cicero argues that he has always continued to be a student of rhetoric, never ceased to improve his skills. Dugan (2005) 257–61 instead reads these passages and others as a reflection of Cicero's unease with his role as a teacher in this period.

⁵ Cic. *Att.* 14.8.1, 14.9.2, 14.11.2, 14.12.2, 14.20.4, 14.21.4, 14.22.1, 15.5, 15.6; *Fam.* 9.16.7; some of which reflect the fact that Brutus and Cassius also believed in Cicero's influencing techniques. Plutarch (*Cic.* 40.1) remarks that during Caesar's dictatorship, Cicero enjoyed influence through his lessons in philosophy to the younger men. Cf. van der Blom (2003) 292–4.

⁶ Cic. *Att.* 2.1.6.

illustrated in their correspondence. Caelius was a good pupil, sending diligent reports on politics in Rome to Cicero in Cilicia; reports which were rewarded with Cicero's approving words, but not panthers for Caelius' aedilician games.⁷ Cicero certainly sought to direct Caelius in the right moral and political direction, and he was pleased with Caelius' election to the aedileship as only a guardian or teacher can be, thanking Caelius for reflecting well on his teacher (as *amplificator dignitatis meae*—‘an increaser of my standing’).⁸ Caelius, on his side, took this relationship seriously as well, lamenting Cicero's failure in keeping him away from Caesar and thereby placing a certain element of responsibility for his own career on Cicero's shoulders.⁹

Likewise the young C. Scribonius Curio had been advised by Cicero in his youth and Cicero continued to play the role of mentor to Curio.¹⁰ Cicero thanks Curio for his help in securing Cicero's recall from exile and hopes to have Curio on his side in his efforts to have Milo elected consul. However, the tone is different from the letters to Caelius, more respectful of the *nobilis* Curio and less patronizing. On the other hand, Cicero still tried to influence Curio and even if he was not successful in the end, this correspondence is still an example of Cicero's attempts in this direction. Cicero recommended the young jurist C. Trebatius Testa to Caesar in Gaul and expected reports and good results in return. Cicero's reputation was also at stake. After his success in Gaul, Trebatius and Cicero continued their correspondence, mostly on legal matters.¹¹ Cicero dedicated his *Topica* (44 BC) to Trebatius which might be read as recognition of Trebatius' legal expertise.¹² Yet, Cicero was still the wise man explaining the philosophical aspects of the rhetorical *topoi* to his younger friend.

P. Crassus, the son of the consul, was certainly also one of Cicero's protégés. Cicero describes him as ‘most devoted to me’ (*nostri studiosissimus*) in a letter to Quintus, but after Crassus' early death at the battle of Carrhae in 53 BC, Cicero acknowledged that Crassus' overriding ambition made him disregard the good exempla within his family against Cicero's advice and instead follow

⁷ Cic. *Cael.* 9; *Fam.* 2.8–2.16 (Cicero's letters to Caelius), 8.1–8.17 (Caelius' letters to Cicero). For a similar view, see Leach (2006) 258–9: ‘Adherence to Cicero as a role model is certainly one of the positive points that Cicero invokes in his judicial defense of Caelius Rufus (*Cael.* 4.9–10), but the Caelius of the letters is one who fulfills his promise.’

⁸ Cic. *Fam.* 2.9.3: in Shackleton Bailey's translation ‘you raise me in men's eyes’.

⁹ Cic. *Fam.* 8.17.

¹⁰ Cic. *Fam.* 2.1–2.6. Leach (2006) 256–8 thinks that Cicero tried to lead Curio in the right direction by his own exemplum.

¹¹ Cic. *Fam.* 7.5–22. Leach (2006) 247–9, 254–5.

¹² Cf. Harries (2006) 116, 126–32 for further discussion of Cicero's and Trebatius' correspondence on legal aspects. See Hutchinson (1998) 180–1 for an analysis of their internal relationship.

the wrong exempla of Cyrus and Alexander the Great.¹³ Cicero's fruitless attempts at writing a letter of advice to Caesar in May 45 BC can also be read as an expression of his notion of teaching others, especially seen in the light of his references to the historical exempla of Aristotle's and Theopompus' similar letters of advice to the young Alexander; Cicero hoped to stand as the adviser to the general, but in vain.¹⁴ Likewise, Cicero's suggestion of playing Nestor to Dolabella's Agamemnon in 44 BC can be understood as Cicero's attempt at flattering Dolabella into the role of an advisee of Cicero.¹⁵

These known cases of attempted influence probably form only a part of Cicero's efforts in this direction. It is noteworthy that a couple of his young followers were *homines novi*, such as Trebatius and Caelius. The care with which Cicero worked for the benefit of these two men suggests that Cicero was not unsympathetic to other *novi*. However, it is difficult to know what motivated Cicero's patronage of these men, in other words, whether he was positively inclined to help them because of their *novitas* or rather their personal qualities. Indeed, Cicero's attempts at influencing often had several aims ranging from selfish promotion of Cicero's relationship with other politicians, the wish to help these young men in both political and intellectual ambitions, to a sense of moral obligation to steer young men to serve the *res publica*. However, the cases of Caesar and Dolabella indicate that Cicero was not always successful.

Cicero's own education as a protégé of Crassus, Antonius, and the Scaevolae may not only have influenced his skills in rhetoric, oratory, and law, but almost certainly also his opinions about the best way to teach. There is a close relationship between his exposition of his education in Crassus' and Antonius' house in the *De oratore* on the one hand and his own role as supervisor to Brutus in the *Brutus*, and his tutoring of the Caesarians and other young men in the 50s and 40s BC. Through the mentoring of Crassus, Antonius, and the Scaevolae, Cicero had not only learnt crucial lessons within the subject discussed but also lessons about the educational, even moral, advantages of teaching through example. By imitating his own mentors, Cicero continued a tradition of selection of subjects worth teaching and their content as well as a tradition of teaching method. In this way, he again took the exemplarity claimed on behalf of his personal exempla and transferred it to himself.

What Cicero could not achieve in real life, he could promote in his theoretical treatises. His political works on the state and the laws, as well as

¹³ Cic. *Q. Fr.* 2.8.2; *Brut.* 281–2. See Dugan (2005) 201 for further discussion of young Crassus' failure in following the right exempla.

¹⁴ Cic. *Att.* 12.40.2, 13.28.2, discussed in the section 'Demosthenes' in Chapter 8.

¹⁵ Cic. *Att.* 14.17a.2–7 = *Fam.* 9.14.2–7.

his many rhetorical and philosophical works can be read as articulations of his wish to teach others the right notions and behaviour in the Roman *res publica*. Indeed the whole set-up of his dialogues, with historical or contemporary main interlocutors, including his teaching and explaining to the other interlocutors the institutions of the state, the ideal orator and his skills, and the various philosophical schools, underlines the notion of learning through the teachings and exempla of the older generation.¹⁶

Cicero argued that teachings of a wise senior politician would benefit the *res publica*, but it could also benefit the young students, as he explains in the *De officiis*:

Young men become known most easily, however, and in the best way, by attaching themselves to such famous and wise men as concern themselves with the good of the political community. By associating with such as these, they will inspire in the people the belief that they too will become like those whom they have chosen to imitate.¹⁷

Being seen as the student of a famous and wise man was the same as declaring the wise man a personal exemplum, hoping for the *auctoritas* of the teacher to rub off on the student and helping to build up the public persona of the student. Finally, such a teacher–student relationship could benefit the teacher himself in that his role emphasized that his exemplary wisdom was acknowledged and appreciated by others, and his students could reflect well on the teacher, as did Caelius Rufus and Trebatius Testa. If a Roman could stand as a teacher to others in matters of the state, he could certainly also claim to stand as a wise and exemplary politician advising the Roman people and steering the Roman state himself.

¹⁶ For the slightly different set-up in the *Tusculanae Disputationes*, see Gildenhard (2007a) 28–34.

¹⁷ Cic. *Off.* 2.46 (transl.: Griffin and Atkins (1991)): *Facillime autem et in optimam partem cognoscuntur adulescentes qui se ad claros et sapientes viros bene consulentes rei publicae contulerunt, quibus si frequentes sunt, opinionem adferunt populo eorum fore se similes quos sibi ipsi delegerint ad imitandum.*

A family exemplum

The notion of teaching young people by example could be expressed within families as well. Indeed, Cicero's emphasis on family exempla was not just an obligation to live up to good examples among one's personal ancestors, but included the idea that parents had a duty to set a good example to their children and future generations in general. Family exemplarity worked both ways. Cicero refers to this notion as part of his attack on Verres:

How could you [Verres], knowing yourself and your lifestyle, bring with you to Sicily a teenage son, so that even if his still developing character would turn away from his father's vices and his family's characteristics, habit and training would not allow him to deviate from these? (160) Imagine there had been in him the potential and disposition of a C. Laelius or a M. Cato . . . (161) . . . It was your duty to educate and instruct them [his children] in the traditions of the ancestors, in the precepts of our state, not in your disgraceful and dishonourable actions: if your son was to become diligent, decent, and honest from his lazy, dishonest, and indecent father, the state would have been given something at least from you.¹

Cicero's claim that Verres, as a father, had a duty to instruct his children according to the institutions of the ancestors and the traditions, points to the idea of setting a good exemplum for one's children as well as to the connection between exempla and *mos maiorum*. Verres set a very bad example for his son and thereby failed in his duty towards son and country at the same time. Furthermore, Verres destroyed his son's future chances in public life by branding the family name negatively forever.²

¹ Cic. Verr. 2.3.159–61: *Tunc, cum te ac tuam vitam nosset, in Siciliam tecum grandem praetextatum filium ducebas, ut, etiamsi natura puerum a paternis vitiis atque a generis similitudine abduceret, consuetudo tamen eum et disciplina degenerare non sineret?* (160) *Fac enim fuisse in eo C. Laeli aut M. Catonis materiem atque indolem . . .* (161) . . . *Eos [liberos] instituere atque erudire ad maiorum instituta, ad civitatis disciplinam, non ad tua flagitia neque ad tuas turpitudines debuisti: esset ex inerti atque improbo et impuro parente navus et pudens et probus filius, haberet aliquid abs te res publica muneris.*

² Cic. Verr. 2.1.151 in which Cicero argues that the vices of Verres might make people think that Verres' son was instead the son of a rebellious tribune such as Gracchus or Saturninus.

Cicero's thoughts about family exemplarity were not just employed as a rhetorical device, but formed part of his own life too. In the summer of 54 BC, Cicero taught his son Marcus and his nephew Quintus rhetoric, as always a teacher to the younger generation. In letters to his brother Quintus and to Atticus, who was the uncle of young Quintus, Cicero explains that young Quintus is working hard and achieving good results. Cicero enjoys teaching the boys, but also realizes that his method of teaching differs from that of Quintus' other teacher. Cicero asks Quintus' father 'to allow his son to follow in the footsteps of his own education' (*patiamur illum ire nostris itineribus*) thereby clearly signalling the exemplarity of his own schooling and the relevance of himself as an exemplum to his nephew.³

Throughout his later career, but especially at the end, he is concerned about his duty to set an exemplum for his son Marcus. In the *De officiis*, Cicero presents himself as exemplary in two ways: by his intellectual and by his political achievements. These two branches represent his two main interests in life between which he moved according to circumstances. If he was politically curbed, he studied; if politics was an option, he did not have time for intellectual pursuits. He expressed equal pride in his achievements in both branches.

Cicero addressed the *De officiis* to Marcus and he opens the first book by setting out his intellectual exemplarity:

When you read them [Cicero's writings], therefore, though you must use your own judgement about the content (for I shall not prevent that), you will at least acquire a richer style of Latin prose by reading my work. I would not like it to be thought that I say this arrogantly: for I grant that many others surpass my knowledge of philosophy; and if, when I have devoted the best part of my life to oratory, I then claim for myself what is proper to an orator, that I speak suitably, clearly, and elegantly, I seem to have some right to lay such a claim. (3) I strongly urge you, therefore, my dear Cicero, assiduously to read not only my speeches, but also the philosophical works, which are now almost equal to them.⁴

Cicero's recommendation of his own work is complete with a disclaimer about his abilities in philosophy. Where his real achievement lies is in his combination of oratory and philosophy, which is unique to him. Not even the greatest Greek orators or philosophers attempted this. Cicero wishes Marcus

³ Cic. Att. 10.6.2, 10.7.3; Q Fr. 2.4.2, 2.6.2, 2.13.2, 3.1.7, 3.1.14, 3.1.19, 3.3.4 (citation), 3.7.9. Cf. Rawson (1975) 142.

⁴ Cic. Off. 1.2–3 (transl.: Griffin and Atkins (1991)): *sed tamen nostra [opera] legens... de rebus ipsis utere tuo iudicio (nihil enim impedio), orationem autem Latinam efficias profecto legendis nostris plenior. Nec vero hoc adroganter dictum existimari velim. Nam philosophandi scientiam concedens multis, quod est oratoris proprium, apte distincte ornate dicere, quoniam in eo studio aetatem consumpsi, si id mihi adsumo, videor id meo iure quodam modo vindicare.* (3) *Quam ob rem magnopere te hortor, mi Cicero, ut non solum orationes meas sed hos etiam de philosophia libros, qui iam illis fere se aequarunt, studiose legas.*

to pursue both branches himself and thereby live up to his exemplary father.⁵ A letter fragment further indicates Cicero's wish for Marcus not only to live up to his father but perhaps even to excel him.⁶

Cicero's political achievements were, in his own eyes, principally his climb up the *cursus honorum* at the earliest opportunity and his defence of the *res publica* as a consul, the validity of which was confirmed by his recall from exile. We have already seen Cicero's self-praise of his consulship as the ultimate expression of the superiority of civil power over military power: 'Let arms yield to the toga, and laurels to laudation.' (*cedant arma togae, concedat laurea laudi.*)⁷ After this self-praise, Cicero argues: 'I am allowed to boast to you, Marcus my son. For yours it is both to inherit my glory and to imitate my deeds.' (*Licet enim mihi, Marce fili, apud te gloriari, ad quem et hereditas huius gloriae et factorum imitatio pertinet.*)⁸ This passage implies that Marcus will have a much better starting point for political, that is civil, success than his father had, because he can build on his father's glory. In fact, Marcus ought to pursue the civil glory now his father has provided the necessary backing.⁹ The same reference to Marcus' inherited glory is repeated later in the same work under Cicero's discussion of the ways to attain true glory:

The greatest effect is achieved, then, by being what we wish to seem; however, some advice should be given so that we might as easily as possible be seen to be what we are. For if anyone from his early youth has cause to become famous and renowned, whether as the heir of his father (as I think has happened to you, my dear Cicero!) or through any other chance or fortune, the eyes of all are cast on him. They examine whatever he does, the very way in which he lives; he is, as it were, bathed in so brilliant a light that no single word or deed of his can be hidden.¹⁰

⁵ Cf. Cic. Off. 2.2, 2.51 for further claims to intellectual exemplarity.

⁶ Cic. ep. Marc. fr. 9 = August. C. Iul. op. Imperf. 6.22, from Shackleton Bailey's edition of Cicero's letters: 'Of all persons in the world you are the only one I should wish to excel me in the all things?'

⁷ Cic. Off. 1.77 (transl.: Griffin and Atkins (1991)). Cf. Cic. Off. 2.59 where Cicero praises himself for reaching the upper magistracies without giving lavish games as an *aedile*, and Cic. Acad. Pr. 3 where he praises his consulship. For further discussion of Cicero's projection as an exemplary consul see the section 'Consul' in Chapter 9.

⁸ Cic. Off. 1.78 (transl.: Griffin and Atkins (1991)).

⁹ Cf. Cic. Verr. 2.5.36 in which Cicero emphasizes the privileges bestowed on a senator including the right of leaving his portrait as a memorial to those who follow him (*ius imaginis ad memoriam posteritatemque prodendae*).

¹⁰ Cic. Off. 2.44 (transl.: Griffin and Atkins (1991)): *Sed ut facillime quales simus, tales esse videamur, etsi in eo ipso vis maxima est, ut simus ii qui haberi velimus, tamen quaedam praecepta danda sunt. Nam si quis ab ineunte aetate habet causam celebritatis et nominis aut a patre acceptam, quod tibi, mi Cicero, arbitrator contigisse, aut aliquo casu atque fortuna, in hunc oculi omnium coniciuntur, atque in eum quid agat, quemadmodum vivat inquiritur, et, tamquam in clarissima luce versetur, ita nullum obscurum potest nec dictum eius esse nec factum.* Cf. Cic. Dom. 146 for a similar thought of inherited family glory.

This is another hint to Marcus' inherited paternal glory and to the fact that Marcus will always be known as the son of his father, whether taken positively or negatively. Cicero continues his discussion not by encouraging Marcus to pursue a civil career, but instead suggesting the military way. This suggestion comes in connection with Cicero's discussion of the way in which *homines novi* usually climbed up in society, namely through military service. Cicero's mention of Pompey's praise of Marcus indicates, however, that Marcus wanted to follow the military way, even if civil war was making such a step problematic.¹¹ This passage touches on the problems faced by *homines novi*, and young ambitious men in general, in their attempts to reach political offices and military glory during the civil war. Despite these difficult circumstances, Cicero manages to present Marcus as exemplary, which was a good way of gaining his son's attention, but perhaps also an attempt to accord praise to the Tullii Cicerones among the broader audience of this work. Even so, it is striking that Cicero recommends a path other than that taken by himself. Might it be a recognition of Marcus' talents as being weightier in military than in oratorical fields? Or is this recommendation a surrender to the general notion of military *gloria* as worth more than oratorical brilliance, in spite of Cicero's own defence of oratory as equally important? Or is it simply a reflection of the context of civil war and political unrest in which Cicero wrote?

The emphasis on Marcus' inherited glory in the *De officiis* is marked in comparison with Cicero's other works, but not inexplicable: this work is addressed to Marcus as a guide to the right moral conduct in the *res publica* in the setting of a father's advice to his son. This setting was emphasized by the background in which Cicero wrote; Marcus was away in Athens and outside Cicero's immediate control. Moreover, Cicero was an experienced senior statesman in 44 BC, and he might even have sensed that he was near the end and needed to express his views before it was too late. In fact, he had just written the *De senectute*, which can be taken as a sign of his thoughts about old age. Furthermore, the return to the exemplum of Cato Maior may have reminded Cicero of Cato's work of history addressed to his son as a guide to

¹¹ Cic. *Off.* 2.45. Marcus seems to have been less talented and less interested in intellectual pursuits than his father. He did retain political ambition, but this passage suggests that Marcus pursued his goal through the military rather than the oratorical route. His later career fighting at Philippi and under Sextus Pompeius is indication in the same direction, even if he was also given a consulship by Octavian and two proconsulships (App. *B Civ.* 4.51, 5.2; Plut. *Cic.* 49.6). The circumstances of civil war and lack of sources make it difficult to determine whether Cicero was successful in his attempt to make Marcus follow his father's exemplum. Cf. Treggiari (2007) 152–3 on Marcus' career.

ancestral custom.¹² Cicero was in a good position to sum up his achievements and the lessons that Marcus could gain from them.

Besides the address to Marcus, the work seems to have been aimed at a wider audience given the general advice on *officia* ('duties') and right moral conduct. Cicero wrote the *De officiis* in the turbulent aftermath of the Ides of March when the situation, and thus loyalties and obligations, shifted by the day; he clearly felt the need to put down guidelines of correct behaviour in these circumstances of confusion and violence. Indeed, Cicero appears to want to teach a whole generation about their moral duties within the *res publica*. The duty to set an exemplum for future generations, general and personal, formed an important part of his guidelines and of his set-up of the well-functioning state. So did the duty to live up to the ancestors, also both general and family exempla. Cicero stresses this latter point in relation to Marcus. However, Marcus should not feel this only as an obligation to live up to his father, but also as an advantage: he would always be known as the son of the famous Cicero. This question of Marcus' status was already touched upon in Cicero's defence of Plancius in 54 BC. The prosecutor, Laterensis, attacked Plancius' background as a *homo novus* and he might have referred to the social status of Cicero's son as part of his argument. At least, Cicero takes up the question as if he answers Laterensis:

You asked me whether I believed that the way to achieve political offices had been easier to me as a son of a Roman *eques* than it would be to my son, since he is of a consular family. But even if I prefer that all would fall to him rather than to myself, I never wished the access to political offices to be easier to him than it was to me. For, in the unlikely event that he should believe that I have procured him political offices rather than shown him the way to achieve them, I am used to teach him this . . . which the great son of Jupiter taught his children: 'One must always be vigilant; there are many treacherous plots against good men.'¹³

Cicero's answer to Laterensis' question about Marcus is that he would not wish the path to magistracies to be easier for his son than it was for himself. But, with a couple of lines from Accius' tragedy on king Atreus, he warns Marcus of the envy felt by the *nobiles* towards a successful *novus*. This is a

¹² Plut. *Cat. Mai.* 20.5. This work is not thought to be identical with Cato's major historical work, the *Origines*: Astin (1978) 182–3. For further discussion of Cato's dedication of literary works to his son see Suerbaum (2002) 409–13.

¹³ Cic. *Planc.* 59: *Quaesisti utrum mihi putarem, equitis Romani filio, faciliorem fuisse ad adipiscendos honores viam an futuram esse filio meo, quia esset familia consulari. Ego vero quamquam illi omnia malo quam mihi, tamen honorum aditus numquam illi faciliores optavi quam mihi fuerunt. Quin etiam, ne forte ille sibi me potius peperisse iam honores quam iter demonstrasse adipiscendorum putet, haec illi soleo praecipere . . . quae rex ille a Iove ortus suis praecepit filius: Vigilandum est semper; multae insidiae sunt bonis.*

direct reference to Laterensis' motive behind the prosecution of Plancius, but also an emotion which Cicero applied to the *nobiles* in general.¹⁴

As the son of a consul, Marcus could not be regarded as a *homo novus* but instead a *nobilis* and therefore did not face the same political challenges as his father. Cicero portrays Marcus' situation in the political game as no less difficult than his own, but this seems to be a question of moral uprightness—Marcus must be virtuous in order to achieve—rather than a lack of political status based on paternal glory. Indeed, Cicero's references to Marcus' possibilities for political advancement imply the advantages of being the son of a consul, having inherited fame and claim to political power. We do not know whether Marcus himself thought it an advantage; he might not have preferred to be the son of Cicero with all the connotations implied by that name. However, Cicero clearly felt that he had provided Marcus with the best possible foundation on which to build his career, being able to refer to ancestral glory as an argument in his favour in the political game of status, an advantage which Cicero never had himself. Indeed, Cicero stressed the same point in a letter to Caelius Rufus in 49 BC: 'If a free constitution survives in any form, I shall leave him [Marcus] a sufficient inheritance in the memory of my name.' (*si erit ulla res publica, satis amplum patrimonium relinquam in memoria nominis mei.*)¹⁵ Cicero thus presents himself as an exemplum to his son and family at large in terms of his political success, but his exemplary way of dealing with his *novitas* and securing political influence could not be taken up by Marcus or any other Cicero, as they were no longer *homines novi*. Cicero's brilliant achievement had invalidated part of his value as a family exemplum.

CONCLUSION

Cicero used historical exempla throughout his works, but he also displayed himself as an exemplum to be followed by others in a variety of capacities: as a persuasive advocate and defence counsel for his clients; as a successful *homo novus*; as a decisive and competent consul quelling the Catilinarian conspiracy; as an exile banished unjustly and therefore recalled in triumph; as an exemplary statesman; as an exemplary orator, perhaps even the best of his age;

¹⁴ Cf. Cic. *Verr.* 2.5.181 and the discussion in the section 'Cicero's application of *nobilis* and *homo novus*' in Chapter 4.

¹⁵ Cic. *Fam.* 2.16.4. And Sen. *Ben.* 4.30.2 suggests that Marcus did indeed owe his later consulship to his father's reputation. I owe this reference to Treggiari (2007) 153, who also underlines the importance of Cicero's memory to Marcus' advancement (154).

as an intellectual with an understanding of rhetorical and philosophical notions, poetry, Greek language and literature, history, and law; and as a good governor, albeit not as an exemplary general. Besides these particular roles, Cicero strove to build up credibility as a trustworthy guide to Rome's past and thereby as an adviser as to the best way forward for the Roman state.

With these personae, Cicero could position himself as an exemplum to all *homines novi*, to other politicians, orators, and advocates, to other intellectuals, to young aspiring politicians whether new men or not, and to his family, especially his son. He targeted these different groups through all possible media: Cicero not only delivered his successful speeches but also revised and circulated them afterwards in order to increase their impact. He wrote and sent letters to family, friends, and political contacts in an attempt to influence them; he wrote and circulated laudatory poetry on his own accomplishments in order to persuade the public of his successes; and, finally, he composed and circulated complex theoretical works through which he could expound his thoughts about the state and its leaders (statesmen and orators alike), the right moral conduct in the *res publica*, and display his own intellectual competence.

Cicero presents himself as exemplary on the basis of his own achievements but often also in comparison with other exemplary figures. In fact, many of his personal exempla are employed to support Cicero's own claim to exemplarity in a particular field, event, or action. All his personal exempla are present partly to support Cicero's self-promotion as an exemplary orator, statesman, consul, *homo novus*, exile, and governor. Indeed, by portraying himself as following in the footsteps of well-known and praiseworthy men of the past, Cicero attempts to gain backing for his own actions and notions as well as accruing credibility and *auctoritas* as an exemplum in his own right. This close relation between Cicero's personal exempla and his own positioning as an exemplum is exactly what makes his projection powerful yet open for attack. Only by convincing his audience that his interpretation of the historical figures and their relevance for the present was the right one could he continue building up his own *auctoritas*.

Cicero's ceaseless efforts to set himself up as an exemplum were related to his desire for a lasting memory. This desire was, again, connected with his wish to be the founder of a senatorial family, as Cato Maior had been.¹⁶ Indeed, his attempts to undercut others' use of family exempla and his application of family exempla to others show the importance he put in such family exempla. It is therefore no surprise that he strove to create

¹⁶ Cic. Verr. 2.5.180.

his own family exempla, including that of himself. His efforts should therefore be understood not only as an attempt to promote his own political career or to secure his own memory, but also to secure the future of his family, whose political and social position was dependent on the reputation of its individual members. The persona projected by each family member could either add or subtract from the general pool of goodwill and standing of the family. Therefore, the behaviour of his brother Quintus in his province was important, as was that of his son Marcus in imitating his father's exemplum. The thought of family reputation ties in with Cicero's emphasis on the duty of family members both to imitate their ancestors and to act in an exemplary way to the younger generations. Indeed, this twofold duty represents two sides of the same coin in that it is exemplary to follow good exempla, also family exempla, and by following family exempla one projects an exemplary image of oneself.

Cicero's emphasis on his roles as a model for emulation was his answer to the *nobiles'* challenge of his *novitas*. He adopted their language and culture of ancestry and tailored it to his own situation. His ambition was to be remembered by future generations, and that he achieved since we are discussing him 2,000 years after, but also to pave the way for a successful career for his son. Given the wider audience addressed by Cicero in his speeches and treatises, his projected exemplarity can be read as aimed not only at Marcus but also at the political elite in general in an attempt to promote the Tullii Cicerones as a family to be reckoned with in Roman politics. Whether others would accept Marcus' possible references to his father as a strong argument is unclear. Cicero promoted the value of such family exempla and hoped that Marcus would reap the fruits of his own achievements.

It is interesting to speculate to what degree Cicero wanted to provide the model for others to follow, and to what degree he strove to be the exemplum which could not be emulated. Or, put differently, whether Cicero personified the paradox of exemplum as upholder of tradition on the one hand and as instigator of new patterns of behaviour on the other. He boasts of being the only Roman ever who has received the thanksgiving of the Senate and people and the title of *parens patriae* for his courageous handling of the Catilinarians, and the only Roman who has been recalled from exile by both the Senate and the people and received as a triumphator upon his return to Italy.¹⁷ There seems to be an element in Cicero's self-promotion of wanting to outshine everybody, but, on the other hand, Cicero needed to display himself as imitating the ancestors, as was tradition. This combination of imitation and

¹⁷ Cic. *Cat.* 3.15, 4.5; *Red. Sen.* 37–8; *Red. pop.* 6–7, 9.

surpassing of the exploits of the ancestors was not unique in Cicero. This combination was indeed what kept alive the Roman culture of striving for glory, and thus the empire. Cicero's case was only different in terms of his *novitas*, his campaign for civil rather than military glory, and our detailed knowledge thereof from the survival of many of his works.

Cicero wished and strove to secure himself a reputation beyond his own lifetime, which he achieved. However, he was to be remembered principally as an orator and philosopher for many centuries.¹⁸ His careful build-up of a political persona of, first, a *homo novus* and advocate and later a wise and conservative statesman was not as well known and therefore not as influential as his image of an intellectual suffering his bloody death with stoic calm. Seen in this light, Cicero's ceaseless self-promotion was partly unsuccessful, but he did attain a lasting memory.

¹⁸ Cicero became an exemplum already in antiquity (cf. among others Sen. *Suas.* 6, 7; Juv. 10.114–32; Val. Max. 1.4.6, 1.7.5, 4.2.4–5, 5.3.4, 8.10.3). For analyses see, for example, Zielinski (1912); Winterbottom (1982); Degl'Innocenti Pierini (2003); Gowing (2005) 1–28, 110–20.

Conclusion

Cicero's lack of famous ancestors shaped his political career to a considerable degree. He faced criticism and witticisms on his humble background which implied that he was less suitable for political office. The *nobilis* politicians took their own influence for granted and almost as a birthright, whereas Cicero was continually made to defend his political actions and position. For this purpose, Cicero worked hard on building up a strong and credible public persona which would portray him as an excellent politician and citizen as well as conform to the unwritten rules of the political elite suspicious of any newcomer. Cicero operated with a variety of responses to this criticism and suspicion. He referred to his *novitas* and made a virtue out of it when necessary, but also avoided the issue when detrimental to his case. He adapted his behaviour and public persona to fit the culture of the political elite by acquiring a grand house on the Palatine, by speaking the language of his senatorial colleagues, and by adopting a conservative political stance.

Part of his response can be traced in his rhetorical and political strategy related to his use of historical exempla and, in particular, his three alternative claims to ancestry. We have seen how he tried to redefine family exempla from the nobility as general exempla for all Romans at large, hoping to neutralize the claim to political power championed by these *nobiles* families. Furthermore, Cicero set up past *homines novi* as a catalogue of exempla for new men aspiring to political power, providing them with a kind of assumed ancestry which the *nobiles* could not claim. Finally, Cicero developed his own set of historical figures in whose example he could mirror, contrast, or project his own public persona as most fitting for the particular situation. These personal exempla present a valuable path to understanding Cicero's rhetorical and political strategy.

Cicero's choice and employment of personal exempla is characterized by selectivity in terms of the historical figures chosen and the aspects of these figures emphasized, and by flexibility in that the same historical figure could illustrate various aspects and the same aspect could be developed and altered.

Marius was perhaps the most versatile exemplum in that he was presented as a *homo novus*, a responsible consul and a returning exile. Furthermore, his exemplarity as an exile was used both to compare and contrast with that of Cicero and developed from focusing on the circumstances surrounding his exile to his motivations for leaving and returning.

The identification of Cicero's main personal exempla in this study is supported by Bücher's data on the frequency of historical exempla mentioned in Cicero's speeches: among the 21 most frequently mentioned exempla, all of Cicero's Roman personal exempla figure, except for Laelius.¹ The picture would have been different if Cicero's letters and theoretical works had been included; especially the exemplary interlocutors of his dialogues such as Crassus, Antonius, Scipio, Laelius, and Cato would have figured even higher up on the list. The statistical data is, however, useful up to a point only. Indeed, how ought the interlocutors in dialogues to count on a scale of frequency in exempla mentioned? Nevertheless, Bücher's data on Cicero's speeches is suggestive of the general trend that among the great number and frequently mentioned historical exempla employed in Cicero's works overall, the personal exempla identified in the present study are very prominent, and therefore that these personal exempla formed a very important element in Cicero's rhetorical and political strategy.

Cicero's employment of personal exempla makes sense in the rhetorical and political situation in which they appear, but the question remains of why he chose these particular figures. Why, for example, are the references to Marius more common and varied than those to another great *novus*, Cato Maior? The most obvious explanation is the fact that Cato had a living, prominent, and homonymous descendant, Cato Minor, who explicitly claimed Cato Maior as his exemplum. The man who alleged to be Marius' grandson was a late and much weaker contestant in the competition for personal and family exempla. Consequently, Cicero had much more freedom in his interpretation of Marius. Cato Maior also belonged to a more distant generation and as observed above, recent exempla from the second half of the second century BC onwards were generally more frequent. The versatility of Marius' exemplum forms another part of the explanation. When Marius is chosen to illustrate the exemplary *homo novus*, Cato Maior is almost always mentioned alongside.

¹ Bücher (2006) Anhang II: 'Roman examples in order of frequency' ('Exempla Romana geordnet nach der Häufigkeit ihrer Nennung'): (2) Marius; (3) Scipio Aemilianus; (6) M. Tullius Cicero; (10) Metellus Numidicus; (11) Cato Maior; (14) Scaurus; (18) M. Antonius the orator; (19) Q. Mucius Scaevola; (21) L. Licinius Crassus. C. Laelius is number 38 on the list. The other exempla in this top 21 are mostly negative exempla such as Sulla, C. Gracchus, 'proscriptions of Sulla', Ti. Gracchus, Cinna, Saturninus, Hannibal, and a few positive exempla such as *maiores* in general, Cn. Pompeius, Scipio Africanus Maior, Aemilius Paullus, and Servilius Vatia Isauricus.

In terms of *novitas*, Marius and Cato are equally important exempla. However, the many other aspects illustrated in Marius' career made him useful for Cicero's purposes. Since Cato had not been exiled, Cicero could not refer to his example in his attempt to explain his own exile. On the other hand, Cato's political stance was perhaps closer to that of Cicero and there are many parallels in the circumstances of their careers and in their outlook: besides *novitas*, both were consuls, active in the courts, the leading orator of their time and champions of traditional Roman values. The differences which set them apart, Cato's military career and the patronage of a *nobilis*, were the same as those between Marius and Cicero. Cicero chose Cato to embody the ideal old age in *De senectute*. For this role, Marius would not have been suitable as his last years were characterized by his active role in the civil war. Cicero might also have had a political motive of opposition to Caesar's dictatorship in his choice of Cato in the *De senectute*. Again, we see that certain aspects of particular exempla provided useful material for Cicero in specific historical contexts. In terms of alternative models of *novitas*, Cicero did mention others in his catalogue, but these might have been less well known to his audience and thereby less valuable exempla.

Given Cato's excellence in oratory, why did Cicero not exploit his exemplum more extensively in this field instead of relying on Crassus and Antonius? First of all, Cicero thought that although Cato was a great orator of his time and could still be read with profit, his language was archaic and his style outdated. Moreover, Cicero explains that nobody read Cato's speeches any longer.² Therefore, Cato's exemplarity as an orator would have had little impact with Cicero's audience. Next, the *De oratore* is crucial for understanding the place of Crassus and Antonius in Cicero's construction of his public self. The dialogue form of this work was important for Cicero as it provided liveliness, historical credibility, and was supported by Platonic precedent. More importantly, it gave Cicero the chance to convey his views about oratory effectively. For the dialogue to work, Cato's single exemplum was less suitable than the pair of Crassus and Antonius, which furthermore had the advantage of better illustrating Cicero's points about rhetorical education based on theoretical studies versus practical experience. Finally, Cicero could claim closer ties with Crassus and Antonius—the preface to the second book explains that Cicero and his brother had experienced and admired Crassus and Antonius first-hand—so as to make Cicero's imitation of the pair more credible. Again, Cato's exemplum would have been less suitable.

² Cic. *Brut.* 63–9.

Crassus and Antonius were not just great orators but prominent politicians in their day. Why did Cicero not choose Crassus and Antonius instead of Scipio and Laelius to discuss matters of the state and to illustrate the ideal statesman? Cicero's rejection of the suggestion to change the interlocutors of *De republica* shows that he had thought hard about his choice. One of Cicero's arguments for keeping Scipio and Laelius as interlocutors was that they lived at the time of and were active participants in 'the greatest upheavals in the community' (*maximos motus nostrae civitatis*), that is, the political conflicts aroused by the Gracchi, which Cicero wanted to touch upon in his treatise. Moreover, he wanted to place the dialogue in a period before his own in order not to offend anybody; a clear sign of the political implications intended by Cicero.³ Crassus and Antonius did not match these criteria as many were still alive who had experienced the political unrest of the 90s BC when he wrote on the *res publica*. Political considerations may have played a part too. Cicero's idealized portrait of Crassus and Antonius in the *De oratore* obscures the fact that both had been active politicians in both *popularis* and *optimatus* causes.⁴ Indeed the epithet *sapientissimus* assigned to Crassus underlines his *optimatus* rather than his *popularis* actions. Even the conservative stance of Crassus and Antonius are not stated explicitly, but to be inferred from their discussions on oratory. As suggested above, Cicero's avoidance of setting up Antonius as a political exemplum may be related to a wish not to remind his audience of the negative political image of Antonius Hybrida, Antonius' son. Finally, Crassus and Antonius may not have formed, or may not have been seen to form, a pair in a political sense as did Scipio and Laelius, again detracting credibility from Cicero's setting and message. By contrast, the friendship between Scipio and Laelius was well known, as was their conservative stance in politics.⁵ Their appeal as a pair of wise old statesmen was strong, lending authority to Cicero's message.

The exempla of Demosthenes and Hortensius functioned differently. They did not form part of a pair and they were not employed as interlocutors lending authority to Cicero's depiction of a dialogue set in the past. Their exemplarity was limited to their oratory, and only drawn into the picture in Cicero's letters and rhetorical treatises. Yet, they are remarkable personal exempla in each their own way. Demosthenes' position as one of the very few Greek exempla and one which Cicero never claimed to surpass is particularly suggestive of the limits and possibilities to personal exempla. Few Greek exempla had enough credibility to be claimed as models for conduct in a Roman setting, even to an intellectual reading audience, yet Demosthenes'

³ Cic. *Q Fr.* 3.5.1–2.

⁴ Badian (1957) 331–3; Badian (1984) 122–4.

⁵ Astin (1967) 9–10, 81.

exemplum proves that it was not impossible to present a Greek as one such. Furthermore, Cicero went to great lengths to assert that his case was the most dangerous, most glorious, and most praiseworthy in comparison to his personal exempla, yet he stopped short of outstripping Demosthenes, probably recognizing that such an assertion may not have been accepted and perhaps even mocked. Hortensius was a different matter, as Cicero openly said that he superseded Rome's then greatest orator. Cicero's employment of Hortensius' exemplum was much more limited in number and kinds of works when compared to Demosthenes, yet functioned in a broader way in the *Brutus* as not only a historical and personal exemplum in himself but as the main representative for a lost oratorical and political golden age. Both exempla served to give further strength and nuance to Cicero's claim to be Rome's greatest orator, but the difference in their employment as personal exempla again shows the flexibility and (intended) impact of such exempla in the attempt to build a public persona.

The prominence of Metellus Numidicus, Popilius Laenas, Opimius, and Marius as exempla of exiles is also noteworthy, considering the many other exiles in Roman and indeed Greek history. Among Roman exempla, the various circumstances, events, and motivations surrounding these four figures had much that could be exploited by Cicero in his attempt to portray his own exile as grossly unjust and his recall as the triumph of the good statesman and the *res publica* over the evil forces wishing it to fall apart: the strong but necessary action against rebellious citizens, the hostility and violence of a radical tribune, and the recall as a recognition of the necessity, justice, and virtue of the reaction to the rebels. These exempla were all politically relevant too, as the questions behind their exiles (with the exception of Marius) were again burning issues: the interpretation of the so-called *senatus consultum ultimum*, the rights of the people, and the struggle between Senate and *popularis* politicians. Cicero's selection of these exempla may therefore not only be related to their potential as a comparison and contrast with his own exile, but also to current political discussions and the usage of these exempla by other politicians such as Clodius. By taking up Metellus, Popilius, Opimius, and Marius, Cicero not only defended his own position but placed his exile and recall in the wider context of who was to wield political power in the *res publica*. This was no doubt intended, because by aligning himself with the senatorial side and projecting his exile as an attack on the *res publica* and his recall as a triumph of the *boni* over reckless and destructive politicians, he could hope to engage the conservative senators on his side. Cicero did not shun Greek exiles as exempla, but they are much less frequent and detailed. The inclusion of Themistocles, Miltiades, and Aristides in his speech *Pro Sestio* is the more significant considering the scarcity of references to Greek

exempla in his speeches compared to his letters and treatises. His decision to include these Greeks suggests not only his need for extra examples to boost his interpretation but also that he could have chosen other exempla than the four prominent ones had he deemed them more effective.

Most striking in Cicero's choice of personal exempla, however, was his use of *nobiles* and *homines novi* alike. Crassus, Metellus, Popilius, and Scipio were of famous *nobilis* families, while Opimius and Hortensius could also claim senatorial, although less prominent, ancestors.⁶ Laelius' *nobilitas* was less ancient as his consular father was a *homo novus*, but Cicero does not refer to him as such.⁷ Neither does Cicero refer to Antonius' descent, even if he may have been considered a *homo novus*, and he certainly does not set him up as an exemplary *homo novus*. The reasons for this avoidance of *novitas* issues related to Laelius and Antonius may be that they were not seen—by themselves, Cicero, or others—to form part of the catalogue of exemplary *novi*, that Cicero wished not to blur his presentation of these personal exempla with the associated notions of *homines novi*, or, in Antonius' case, that Cicero wished not to generate connotations with Antonius' infamous son by discussing Antonius' political outlook. The *novi* Cato and Marius, on the other hand, were employed as exempla of successful new men on whom Cicero had built his aspiration for political offices. One reason for the combination of *nobilis* and *novi* examples among Cicero's personal exempla might be the sheer fact that among the pool of well-known Roman exempla more *nobiles* than *novi* would appear, so that for each exemplary aspect (except, of course, *novitas*) there would be more *nobilis* figures to choose between. More important, however, is the relevance of a particular exemplum in a particular rhetorical and historical context. Indeed, variations in audience, subject matter, message, and immediate historical context explain Cicero's choice to a high degree. *Novitas* was not a relevant or even an appropriate concern in many situations. In Cicero's attempts to project an image of an ideal orator, the issue of *novitas* was of less importance than that of oratorical brilliance or rhetorical education. Likewise, for the representation of an ideal statesman, the discussion of *novitas* might have obscured the main message of combining a high moral standing with foresight and knowledge derived from a broad education to act in the best interests of the *res publica*.

Cicero aimed at projecting a persona that combined the great orator and statesman with the *novus*. For that purpose, he employed exempla of both *nobiles* and *novi* to illustrate the various aspects in which he could mirror his own conduct. Indeed, he even sets up Scaurus as the exemplary fusion of

⁶ MRR II, Index of Careers, 524–636; Badian (1990); for Hortensius: RE 13 (Münzer).

⁷ Astin (1967) 81.

novitas virtues and conservative political outlook, which Cicero wanted to project. It was difficult to find a historical figure which could be moulded into this role of quasi-*novus* and optimate politician; Antonius was more useful as an exemplary orator and the exemplum of Scaurus did not fit perfectly. But Cicero needed Scaurus as a model to promote his own persona as a *novus* orator-statesman with highly traditional views and virtues. Furthermore, Scaurus had been *princeps senatus*, the first to be called to speak in the Senate; a position which Cicero almost certainly coveted himself.⁸

A further question is whether Cicero the *homo novus* was compatible with Cicero the optimate, or Cicero the great orator-statesman, or any of the other aspects of Cicero's public persona highlighted by his references to personal exempla. Through his use of Scaurus' exemplum, Cicero implied that these roles could work together. At other times, he simply played the less advantageous aspect down and focused on the aspect most conducive to the situation. The evidence does not support, however, a total unification of all the different personae of Cicero's self-advertisement. Rather, he seems to have had success in displaying a variety of personae based, to a certain degree, on a number of personal exempla and adjusted to the immediate situation, his audience, and the image advanced at previous occasions. Indeed, the very flexibility and multifaceted nature of personal exempla made them particularly useful for Cicero's attempt to vary his self-presentation to suit the moment. Each exemplum carried associations which Cicero could employ to further widen his image, implicitly and explicitly. Did these varieties of personae make Cicero's public image inconsistent? Clearly all orators, as politicians or advocates, faced the danger of appearing inconsistent, as Cicero knew well.⁹ The orator had to think of his public image as a whole and throughout his career. On the other hand, there was still room for a talented orator to display nuances and varieties in his public persona as long as he was persuasive and the persona broadly consistent.¹⁰ Cicero seems to have managed the balance between his various roles well.

Could Cicero live up to his chosen role models, the need for which he argued in the *De officiis*? His selectivity in choosing to promote aspects and not the whole of his personal exempla goes against his own advice. As his references to exemplary figures formed part of his rhetorical and political strategy of promoting himself as a virtuous and outstanding politician, it

⁸ Cic. *Att.* 1.13.2 (feigned disinterest in being called first). See discussion of Cicero in Habicht (1990) 41–2, and of the position of *princeps senatus* in Meier (1984).

⁹ Cic. *Verr.* 2.3.2–3. Cf. Cic. *Clu.* 139 where he argues that an advocate's job is to persuade the jury of a particular argument, not to tell the truth.

¹⁰ Dench (2005) 186 argues that Cicero was not alone in presenting himself in a combination of ways; Augustus is one of the prime examples.

would be detrimental for his case to speak of his shortcomings as follower of models, except when he had a special point to make. However, Cicero's disappointment when not being able to write a letter of advice to Caesar along the lines of Aristotle's and Theopompus' letters to Alexander gives us a rare instance of an abandoned attempt at following particular historical exempla. Conversely, Cicero was proud of copying and adhering to the legal guidelines set down in Scaevola's proconsular edict when he was himself governor in Cilicia. Perhaps the strongest indication of Cicero's success in following his exempla was the fact that he promoted himself as an exemplum to be followed by others. His exemplary position was formed partly by his achievement in living up to the historical figures admired by all Romans. Implicit in his various personae projected lies the notion that his version of a role is right. Because he follows good exempla within each category of persona, he is himself exemplary and should be granted success and a lasting reputation. Whether he believed himself to have achieved this is impossible to ascertain, but he must have persuaded his audience of his exemplary status insofar as his rhetoric was convincing and successful.

Cicero's adoption of personal exempla as part of his rhetorical and political strategy was his answer to the challenge of being a *homo novus* in a political culture in which ancestry mattered. His references to historical role models helped Cicero build up a credible public persona: he was a *homo novus* following past new men such as Cato and Marius in their embodiment of the traditional *virtus industriae*; he was a brilliant and persuasive orator personifying the climax of Roman oratorical development as an adherent of the celebrated orator Crassus, surpassing Hortensius and equalling Demosthenes; he was a devoted and talented statesman working for the best interests of the *res publica*, such as the famous Scipio and Laelius, and demonstrated in his voluntary exile and recall which outshone even that of Metellus Numidicus. By employing this kind of rhetoric, Cicero adopted and adapted the discourse of exemplarity and ancestry claimed by the *nobiles* and made it his own.

The reason for this rhetorical strategy of Cicero is not expressed directly in his works. However, it is not implausible to look at the cultural background for possible answers. Cicero had been brought up and educated in a culture which was almost obsessed with ancestry. The ancestors were revered and worshipped, not just in *nobilis* families but throughout Roman society. Furthermore, the political culture favoured politicians with impressive lineages and arguments referring to *mos maiorum*. It is therefore not surprising that Cicero consciously, or perhaps also unconsciously, focused on ancestry in an attempt to tackle the *nobiles* and to counter their traditional claims by taking over their strong route to political influence. Indeed, it was a favoured rhetorical ploy of

Cicero to take the argument of an opponent and turn it against him. The difference in this case was that these alternative claims to ancestry were argued on a more broad and elaborate scale, and with success.

Cicero had an outstanding career for a *homo novus* in terms of political and religious offices, and, in this way, his political strategy can be seen as successful. It is difficult to determine precisely the impact of his rhetoric from personal exempla, but the fact that he returned to these exempla throughout his career and that some of these were objects of competition suggests that they worked and generated reactions. Whether this rhetorical strategy would have worked for other Roman politicians of non-*nobilis* background is virtually impossible to ascertain as we do not have any substantial body of material from other *homines novi* or Roman politicians in general. Therefore it is difficult to assess whether Cicero's rhetorical and political strategy is representative of a more general trend. Perhaps he was a unique case with an extraordinary talent for both conceiving and achieving a radically different approach and answer to the challenge of *novitas* in Roman politics. However, it is probably more likely that he reused and redeveloped some elements already existent in Roman oratorical and political culture as his rhetoric had a broad appeal. It seems that Cicero tapped into a tradition of referring to past *homines novi* as exemplary for one's own conduct. Indeed, Cato Maior's emphasis on his own virtues by contrast to the *nobiles* and the rhetoric put into Marius' mouth in Sallust's *Bellum Jugurthinum* suggest that the ideology of the *homines novi* was not altogether Cicero's invention and that it continued to have some effect even after Cicero, if only as a relic of times past. The move from Cato's anonymized exempla to named exempla and from references to exemplary *homines novi* to non-*novi* exempla was perhaps new, yet it still built on the idea of exemplary ancestors, whether family exempla or *homines novi*.

Alongside the theme of *novitas* versus *nobilitas*, Sallust's choice of protagonists for his two monographs on the Jugurthine War and the Catilinarian Conspiracy may have been partly inspired by Cicero's strong emphasis on the exemplarity of Marius and Metellus, and his focus on the two Catos. Indeed, the relationship between the *nobilis* yet morally degenerate Metellus and his general, the *novus* Marius with old-style virtues, works as the catalyst for Sallust's message in the *Bellum Jugurthinum* of moral decline as the explanation for the fall of the Roman republic. The portrayals of Metellus and Marius are not exactly as in Cicero, but the mere choice of these two figures to exemplify the choice between right and wrong conduct is striking when seen in the light of Cicero's rhetoric. The inspiration is less straightforward in the case of Cato Maior and Minor, yet Sallust's selection of the Catilinarian conspiracy is in itself testament to the influence of Cicero's continued

references to the events of 63 BC. Moreover, Cicero's contest with Cato Minor over the exemplum of Cato Maior, his subsequent preference for Cato Maior as protagonist in the *De senectute* and his laudation of Cato Minor's suicide in 46 BC must all have augmented the lustre and rhetorical force of the name Cato, a force Sallust decided to bank on in his *Bellum Catilinam*. Cicero's rhetorical strategy of promoting personal exempla may thus have had literary impact.¹¹

Political implications of Cicero's promotion of personal exempla are detectable too. Marius' prominence among Cicero's role models must be seen against the backdrop of Caesar's exploitation of Marius' exemplum for political purposes. The evidence for Caesar's homage to Marius' memory is strongest for the 60s BC, but the appearance of the so-called false Marius, alleging to be Marius' grandson, in the 40s BC indicates the political capital to be gained from the name. No doubt, Caesar knew when and how to make the most of the family connection with Marius, downplaying it and beefing it up as expedient. It may be too ambitious to try to connect Cicero's use of Marius with fluctuations in Caesar's career or in the relationship between Cicero and Caesar, but a few observations can nevertheless be made. In the 60s BC, Caesar positioned himself as a *popularis* politician through references to Marius and his own political initiatives. Cicero's avoidance of Marius' political *popularis* image and focus on Marius' conservative action against Saturninus in 100 BC may, as argued above, be read as part of a competition with Caesar over the appropriate interpretation of Marius' legacy. After Cicero's return from exile, he quickly took up Marius' exemplum but this time as a negative personal exemplum in terms of exile and return to Rome. Noteworthy, however, is the fact that the negative references are to be found mainly in the speeches delivered immediately after Cicero's return to Rome in the autumn of 57 BC when Cicero thought himself politically independent and influential, while the subsequent speeches delivered after his submission to the coalition of Caesar, Pompey, and Crassus in spring 56 BC are much more subdued in the criticism of Marius. Instead of a vengeful Marius, Cicero referred to Marius as Metellus' opponent in 100 BC and in more neutral terms. Did Cicero tone down his censure to accommodate Caesar? If the poem *Marius* can be dated to the period after Cicero's return to Rome, the positive interpretation of Marius would also suggest circulation after 56 BC. In the 40s BC, Cicero's references to Marius are fewer yet may still reflect the rise and fall of Caesar's power. Before and immediately after the Ides of March, Cicero was careful not to criticize Marius openly, except for his censure of Marius' murder of Catulus. A remarkably negative interpretation of Marius, by contrast, appears

¹¹ For further possible impact of Cicero on Sallust's writings see Fox (2007) 263–7.

as late as in the *De officiis* written in the autumn of 44 BC, when Cicero was trying to disentangle the difficult moral and public obligations in a society marred by Caesar's recent dictatorship and murder. Cicero depicted Marius as a representative example of the greed for political power which neglected personal obligations and the interests of the state—an exemplum to illustrate and warn against similar behaviour in the present. The fluctuations in Cicero's representation of Marius' exemplarity are clearly linked to Cicero's intended audience, subject matter, and message. Caesar formed part of this audience too, and Cicero appears to have taken this into account.

Fluctuations in the employment of other exile exempla may also be linked to the political context of family relations. Indeed, Servilius Vatia's exploitation of the family exemplum of Metellus Numidicus to convince Metellus Nepos to drop his opposition to Cicero's recall is testament both to the general use of family exempla outside Cicero's works and to the effect of Numidicus' exemplum upon his descendants. Cicero made good use of this effect too, in his post-exile speeches where his strong emphasis on Metellus Numidicus' exemplum must be linked to the prominence of the Metelli in the political life of the 50s BC. When the Metellan power faded in the 40s BC and the Metelli still active were openly opposed to Caesar, Cicero evaded the example of Metellus Numidicus in discussions of his own exile. Now only Marius had the desired effect.

Cicero's employment of the two Catos, Cato Maior and Minor, may be put in the context of competition of correct interpretation too. In his direct encounter with Cato Minor in the trial of Murena (63 BC), Cicero challenged Cato's depiction and exploitation of his famous ancestor and claimed Cato Maior as an exemplum available for all to imitate. Yet Cato's claim must have been stronger considering the power of family exemplum in general and Cicero's limited use of Cato Maior's example in the 60s and 50s BC in particular. Cato's *novitas* could always be asserted as Cato Minor, as a *nobilis*, was less likely to stake his claim to this aspect. The competition over the Catos was renewed in the 40s BC and partly as a result of Caesar's omnipotent position. The competition of interpretation of Cato Minor's suicide in 46 BC took a literary form but had clear political significance. The contributions of Cicero, Brutus, Caesar, and Hirtius show their recognition of the political impact of historical and personal exempla, both for individual politicians and for the *populus* at large. Both sides tried to control Cato's memory so as to control the opinions and actions of potential supporters and imitators. Cicero's choice and envious depiction of Cato Maior's dignified and enjoyable old age in the *De senectute* (winter 45–44 BC) should be read not only as a lament over the contemporary political situation which stood in the way of Cicero's imitation of Cato, but also as a nod to the exemplary stance of Cato's

descendant, Cato Minor. The inherent criticism of Caesar is discreet yet unmistakable. It follows Cicero's more explicit attempt to direct Caesar through a letter of advice in the summer of 45 BC. The unfavourable initial reception of this letter and Cicero's subsequent decision to abandon the project, may have led him in the direction of a more subtle form of censure. Only in the *De officiis* did Cicero again praise Cato Minor for his constancy at Utica.¹²

Cicero did not operate in a vacuum. It is no surprise that his references to personal exempla had political impact; that was the intention. But these cases of personal exempla with particular familial relevance show that references to such exempla could and would be contested by descendants and non-related claimants such as Cicero alike. On the other hand, some of Cicero's personal exempla may have been chosen partly because there were no or few prominent descendants of the exemplum such as with Crassus, Laelius, Marius, Popilius, and Opimius. *Nobiles* no doubt scorned the attempt at appropriation of their family exempla by non-relatives, but Cicero's works show that it could not be blocked altogether. *Nobiles* may even have exercised such appropriation themselves, when no suitable family exemplum was available, but there is very little evidence to go on. Competition over the interpretation of exemplary *homines novi* is also difficult to find, but Cicero's inclusion of some and exclusion of others indicate that the catalogue was not all-inclusive. However, the catalogue of *popularis* politicians presented as historical and indeed personal exempla by politicians such as C. Gracchus, Clodius, and Dolabella was contested, yet in a different way. These exempla were not challenged in terms of ownership, but rather in terms of positive or negative interpretation. Ti. Gracchus was a positive exemplum in the eye of the people and claimed by politicians intending to curry the favour of the people, while more conservative senators set him up as a negative exemplum to be avoided. Cicero's positive depiction of Popilius and Opimius must have been disputed by *popularis* figures such as Clodius. Yet, the exempla of Marius and the Catos were not exploited in a wholly different matter. Whilst claiming ownership of these exempla, Cicero and Caesar also presented variant interpretations building on their political opinions and objectives. All references to personal exempla must have been understood in the context of the political opinions, present political influence, and familial connections of the claimant and the exemplum itself, and a challenge of interpretation must have been expected in the cases of controversial historical figures or appropriated family exempla. It was through these claims and counter-claims that the tradition of historical

¹² Cic. *Off.* 1.112.

exempla, and therefore family and personal exempla, was created and re-created. In this way, political rhetoric formed an important factor in the creation of tradition and especially family tradition.

The impact of Cicero's choice and depiction of his exempla, historical as well as personal, must have resonated beyond his own lifetime. He used an existing tradition of exemplary figures from the Roman past, and introduced a few of his own, thereby underlining and reinforcing their exemplarity. Exempla collections from the imperial age overlap to a large extent with the individuals singled out by Cicero.¹³ Anchises' parade of worthy Romans in Book six of the *Aeneid* includes the great generals of the republic which Cicero had also drawn upon, but skips figures from the period between the Gracchi and Augustus' nephew Marcellus, excluding Cicero's most exploited exempla.¹⁴ Yet, the parade itself is testament to the continued interest and mileage in the use of historical exempla.

Perhaps the most monumental collection of Roman exempla was the array of statues represented in Augustus' Forum. Alongside the many statues honouring members of Augustus' (adoptive) *gens* of the Julii figured a similarly large group of statues honouring the great men from the republican era who had built and enlarged the Roman state.¹⁵ The overlap between the attested statues of republican heroes and Cicero's historical exempla is unsurprising as both dipped into a Roman history filled with exemplary individuals and their specific achievements.¹⁶ How much Cicero's choice and employment of exempla inspired Augustus is unclear. Augustus' attention was to a larger extent focused on military exploits, whereas Cicero includes many

¹³ Valerius Maximus, for one, reused Cicero's exempla (Maslakov (1984) 457–61; Bloomer (1992)).

¹⁴ Verg. *Aen.* 6.788–892.

¹⁵ For the latest discussion of the statues in the Forum Augustum, see Geiger (2008), who does not discuss Cicero's possible influence on Augustus' choice and depiction of republican heroes.

¹⁶ Geiger (2008) 126–57 lists Romulus with *spolia opima*, the seven kings of Rome, A. Postumus Albus Regillensis (dict. 499/496, cos. 496), M'. Valerius Maximus (dict. 494), A. Cornelius Cossus (cos. 428), M. Furius Camillus (dict. 396, 390, 389, 368, 367), M. Valerius Corvus (cos. 348, 346, 343), L. Papirius Cursor (cos. 326, 320, 319, 315, 313; dict. 324, 309), App. Claudius Caecus (cos. 307, 296), C. Fabricius Luscinus (cos. 282, 278), C. Duilius (cos. 260), Q. Fabius Maximus Verrucosus (cos. 233, 228, 215, 214, 209), M. Claudius Marcellus (cos. 222, 215, 214, 210, 208), P. Cornelius Scipio Africanus (cos. 205, 194), C. Cornelius Cethegus (cos. 197), M. Porcius Cato (cos. 195), L. Cornelius Scipio Asiaticus (cos. 190), M. Aemilius Lepidus (cos. 187, 175), L. Aemilius Paullus (cos. 182, 168), Ti. Sempronius Gracchus (cos. 177, 163), C. Claudius Pulcher (cos. 177), OR C. Claudius Nero (cos. 207), P. Cornelius Scipio Aemilianus (cos. 147, 134), Q. Caecilius Metellus Macedonicus (cos. 143), Q. Caecilius Metellus Numidicus (cos. 109), C. Marius (cos. 107, 104–100, 86), L. Cornelius Sulla Felix (cos. 88, 80), L. Cornelius Lucullus (cos. 74), plus at least 61 further statues of unknown identity, judged from the epigraphic fragments.

other aspects. Yet a few details may suggest some kind of influence. The *elogium* (honorary inscription on the base of the statue) of Marius' statue on the Forum Augustum presents a striking selection of memorable deeds.¹⁷ The explicit inclusion of Marius' actions as consul in 100 bc against the seditious tribunes and praetor, as well as mention of his return from expulsion may be seen in the light of Cicero's heavy use of these particular events. The final feature in Marius' *elogium* is his trophies earned against the Cimbri and Teutones and his temple to *Honos* and *Virtus* ('Honour and Virtue'). The temple figured prominently in Cicero's alleged dream about Marius, while Julius Caesar made much political profit on restoring Marius' trophies to the Capitol. Surely, the actions of his divine father were important to Augustus, and the other positive actions of Marius helped to support Augustus' aim to put Marius up as an exemplum for all. How much Cicero's emphasis on these actions as opposed to a more general tradition of Marius' life and actions inspired Augustus, is hard to know, but it is striking that the *elogium* focuses on almost exactly the events which Cicero publicly singled out and elaborated at length just a few decades earlier.

In his study of Cicero's self-fashioning in his rhetorical works, Dugan argues that: 'By challenging traditional Roman suspicions of intellectual activity and of the aesthetic realm, Cicero was able to construct himself as a "new man" in a real sense, that is, an entity who had not previously existed within Rome: a politician whose claim on power rested solely on his intellectual and literary achievements.'¹⁸ I agree that Cicero's claim to political power may have rested mainly on his intellectual and literary achievements, if we include oratory under this heading. But he was aware that he needed more than that, hence his attempts to set himself up as an exemplary governor and an exemplary and responsible consul who was not afraid of acting resolutely. It was through his projection of an image as a *homo novus* embodying the virtues of the *maiores* and as a responsible senator fighting for the cause of the *res publica*, relying on references to his personal exempla, that he made his claim to political offices. He continually developed this image in response to changes in his own situation and political life in general. With the consulship achieved, his image shifted subtly to that of an orator-statesman and an optimate *novus*, still relying on personal exempla but now expressed both explicitly and implicitly through oratory and dialogues.

His claim to political power was articulated through oratory and literature, but it did not rest only on achievements within literature and intellectual

¹⁷ *CIL* 6.8.3 no. 40957 with Geiger (2008) 128.

¹⁸ Dugan (2005) 20.

pursuits. Rather, it rested on the combination of theoretical political insights and values and actual political achievements proving his abilities. Cicero used references to his personal exempla to promote his political ideas, most notably in his treatises, as well as to support his own political positions and decisions, as emphasized in his speeches. Building on the *auctoritas* and credibility of his personal exempla, or alternatively their contrast to his own situation, Cicero could set himself up as an exemplary orator and statesman to be followed in the present situation and by future generations. Cicero strove to protect and maintain the *res publica* in which he rose to power and to create a name for himself and his family with the aim of promoting their political career and, perhaps more importantly, carving out a place for Marcus Tullius Cicero in the catalogue of great Roman exempla.

Appendix: Cicero's references to his personal exempla

This list includes the references in Cicero's works to the historical figures identified as his personal exempla (or discussed as possible such) in this study where Cicero employs them as exemplary. Full lists of all references to these figures in Cicero's works can be found in Shackleton Bailey (1992), (1995), and (1996).

Aemilius Scaurus, M. (*RE* 140, cos. 115 BC), Cic. *Verr.* 1.52, 2.3.209; Cic. *Font.* 24, 38; *Rab. perd.* 21, 26; *Mur.* 16, 36; *Arch.* 6; *Sest.* 101–3; *De or.* 1.214; *Fam.* 1.9.16; *Scaur.* fr. 1.1–4; *Leg.* 3.36; *Deiot.* 31; *Brut.* 110–13, 116, 135; *Off.* 1.76, 1.108, 1.138; *Phil.* 8.15.

Alexander the Great: Cic. *Att.* 5.20.3; *Fam.* 2.10.3.

Antonius, M. (*RE* 28, cos. 99 BC, *homo novus?*), Cic. *Div. Caec.* 25; *Verr.* 2.2.191–2, 2.5.3, 2.5.32; *Rab. perd.* 26; *De or.* 1.97, 2.1–11, 2.13–14; *Brut.* 138–44, 307; *Orat.* 18–19; *Fam.* 6.2.2; *Tusc.* 1.10, 2.57, 5.55; *Off.* 2.49; *Phil.* 1.34, 2.42, 2.111, 2.118.

Aristotle: Cic. *Att.* 12.40.2, 13.28.2.

Caecilius Metellus Numidicus, Q. (*RE* 97, cos. 109 BC), Cic. *Verr.* 2.3.209; *Clu.* 95; *Att.* 1.16.4; *Rab. perd.* 21; *Arch.* 6; *Red. Sen.* 25, 37–8; *Red. pop.* 6–7, 9–11; *Dom.* 82, 87; *Sest.* 37–9, 101, 130; *Pis.* 20; *Planc.* 69–70, 89; *Fam.* 1.9.16; *Rep.* 1.6; *Leg.* 3.26; *Phil.* 8.15.

Coelius/Caelius Caldus, C. (*RE* 12, cos. 94 BC, *homo novus*), Cic. *Verr.* 2.5.181; *Mur.* 17; *De or.* 1.117; cf. *Comment. pet.* 11.

Cornelius Scipio Africanus, P. (Scipio Africanus) (*RE* 336, cos. 205, 194 BC), Cic. *Verr.* 2.3.209; *Cat.* 4.21; *Tusc.* 1.110; *Off.* 3.1–4.

Cornelius Scipio Africanus Aemilianus, P. (Scipio Aemilianus) (*RE* 335, cos. 147, 134 BC), Cic. *Inv. rhet.* 1.5; *Verr.* 2.3.209, 2.4.81; *Leg. agr.* 2.51; *Cat.* 4.21; *Mur.* 58, 66, 75; *Fam.* 5.7.3; *Arch.* 16; *De or.* 1.210–11, 1.215, 1.255, 2.154, 2.290, 3.28, 3.56, 3.87; *Rep.* 2.67, 3.5–6a; *Brut.* 82–5, 258, 295; *Tusc.* 1.5, 1.110, 2.62, 4.5; *Nat. D.* 2.165; *Amic.* 11–12, 69, 73, 77, 96; *Off.* 1.108.

Coruncanius, Ti. (*RE* 3, cos. 280, dict. 246 BC, *homo novus?*), Cic. *Sull.* 23; *De or.* 3.56; *Nat. D.* 2.165; *Sen.* 15; *Amic.* 18, 39.

Curius Dentatus, M'. (*RE* 9, cos. 290, 275, cens. 272 BC, *homo novus*), Cic. *Mur.* 17; *Sull.* 23; *Nat. D.* 2.165; *Tusc.* 1.110; *Sen.* 15, 55–6; *Amic.* 18, 39.

Demosthenes: Cic. *Att.* 2.1.3; *De or.* 1.58, 1.88–9, 1.260, 2.94–5, 3.28, 3.71, 3.213; *Brut.* 35, 121, 191, 289–90; *Orat.* 6, 15, 23–4, 26, 56, 104, 133, 136, 226; *Opt. gen.* 6, 10, 13, 17; *Ad Brut.* 2.4.2.

Didius, T. (*RE* 5, cos. 98 BC, *homo novus*), Cic. *Font.* 43; *Mur.* 17.

Fabritius Luscinus, C. (*RE* 9, cos. 282, 278, cens. 275 BC, *homo novus*), Cic. *De or.* 3.56; *Nat. D.* 2.165; *Tusc.* 1.110; *Sen.* 15; *Amic.* 18, 39.

Flavius Fimbria, C. (*RE* 88, cos. 104 BC, *homo novus*), Cic. *Verr.* 2.5.181; *Rab. perd.* 21; *Planc.* 12.

Hortensius Hortalus, Q. (*RE* 13, cos. 69 BC), Cic. *Brut.* 1–6, 317–29; *Hortensius.*

Laelius, C. (*RE* 3, cos. 140 BC), Cic. *Inv. rhet.* 1.5; *Verr.* 2.3.209; *Leg. agr.* 2.64; *Mur.* 66; *Arch.* 16; *Fam.* 5.7.3, 9.15.2; *Att.* 2.19.5, 2.20.5; *De or.* 1.58, 1.211, 1.215, 1.255, 2.154, 2.341, 3.28; *Rep.* 3.5–6a, 3.42a; *Brut.* 82–94, 258, 295; *Fin.* 2.24; *Tusc.* 1.5, 1.110, 4.5, 5.54–5; *Nat. D.* 2.165; *Top.* 78; *Amic.* 4, 6–7, 51, 96; *Off.* 1.108, 2.40.

Licinius Crassus, L. (*RE* 55, cos. 95 BC), Cic. *Div. Caec.* 25; *Verr.* 2.2.191–2, 2.3.3; *Caecin.* 52–3, 69; *Clu.* 140; *Pro Vareno* fr. 10; *Rab. perd.* 21, 26; *Pis.* 62; *De or.* 1.122, 2.1–11, 2.188; *Leg.* 3.42; *Par. Stoic.* 41; *Brut.* 138, 143–5, 148, 150, 161–5; *Orat.* 219, 222–5; *Tusc.* 1.10; *Fam.* 9.15.2; *Off.* 1.108, 1.133, 2.47, 2.49, 2.57, 2.63, 3.47; *Phil.* 8.15.

Marius, C. (*RE* 14 in Suppl. 6, cos. 107, 104–100, 86 BC, *homo novus*), Cic. *Verr.* 2.3.209, 2.5.181; *Rab. perd.* 21, 27–30, 35; *Mur.* 17; *Sull.* 23; *Red. Sen.* 38; *Red. pop.* 6–7, 9–11, 19–21; *Sest.* 50, 116; *Pis.* 20; *Planc.* 26, 88; *Rep.* 1.6; *Leg.* 1.1–2; *Mil.* 8, 83; *Att.* 10.8.7; *Div.* 1.59, 1.106; *Off.* 3.79–81; *Phil.* 8.15.

Mucius Scaevola, Q. (Augur) (*RE* 21, cos. 117 BC), Cic. *Caecin.* 69; *Rab. perd.* 21, 26; *Leg.* 1.13; *Brut.* 306; *Amic.* 1; *Phil.* 8.15.

Mucius Scaevola, Q. (Pontifex) (*RE* 22, cos. 95 BC), Cic. *Verr.* 2.3.209; *Caecin.* 53, 69; *Rab. perd.* 26; *Fam.* 1.9.26; *Leg.* 1.13; *Att.* 6.1.15, 8.3.6; *Amic.* 1; *Off.* 3.47; *Phil.* 8.15.

Opimius, L. (*RE* 4, cos. 121 BC), Cic. *Cat.* 1.4, 4.13; *Red. pop.* 11; *Sest.* 140; *Pis.* 95; *Planc.* 69–70, 88; *Rep.* 1.6; *Mil.* 8, 83; *Brut.* 128; *Phil.* 8.14.

Pompeius, Q. (*RE* 12, cos. 141, cens. 131 BC, *homo novus*), Cic. *Verr.* 2.5.181; *Mur.* 16–17; *Brut.* 96.

Popilius Laenas, P. (*RE* 28, cos. 132), Cic. *Clu.* 95; *Red. Sen.* 37; *Red. pop.* 6, 9–11; *Dom.* 82, 87; *Rep.* 1.6; *Leg.* 3.26; *Brut.* 95, 128.

Porcius Cato, M. (Cato Maior) (*RE* 9, cos. 195 BC, *homo novus*), Cic. *Inv. rhet.* 1.5; *Verr.* 2.3.209, 2.5.180; *Leg. agr.* 2.64; *Mur.* 17, 66; *Sull.* 23; *Arch.* 16; *Planc.* 66; *Rep.* 1.1; *De or.* 1.215, 2.290, 3.56; *Brut.* 61–9; *Tusc.* 1.5, 1.110; *Nat. D.* 2.165; *Sen.* 3, 4, 8, 26, 38, 60–1, 68; *Amic.* 4, 6, 9.

Theopompus: Cic. *Att.* 12.40.2, 13.28.2.

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